

MT LEGISLATIVE HISTORY

Chapter 609 1987

Bill H325 S. _____

Original bill & hist. ☒ C

H. Committee on State Admin.

S. Committee on State Admin.

Hearing Date(s) _____ ☐ C

Hearing Date(s) _____ ☐ C

1/23 ☒ C

3/11 ☒ C

1/28 ☒ C

3/17 ☒ C

2/6 ☒ C

3/20 ☒ C

Date Out 2/6 ☒ C

3/25 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
HUMAN SERVICES SUBCOMMITTEE
INSTITUTIONS SUBCOMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

January 23, 1987

The meeting of the State Administration Committee and the Human Services and Institutions Subcommittees of the Appropriations Committee was called to order by Chairman Sales on January 23, 1987 at 8:00 a.m. in the Old Supreme Court Chambers of the State Capitol.

ROLL CALL: Rep. Cody was excused. All other committee and subcommittee members were present.

CONSIDERATION OF HOUSE BILL NO. 325: Rep. Mercer, House District #50 and sponsor of the bill said the bill was introduced at the request of the Governor. The bill results from a study conducted by the Governor's Council on Reorganization of Youth Services, commonly referred to as the Youth Services Study Council. It is a bill to reorganize and consolidate youth and family services into a new department known as the Department of Family Services. Several existing problems have brought this problem before the legislature. For example, in the youth area, we have district judges sentencing or disposing of youth to correctional facilities or foster homes, but the state is paying for this. There is no unity of authority. At the county level, there is a probation officer who works for the district judge who works with a youth until the time of commitment to a state institution; yet when that youth is released, another individual working for the Department of Institutions becomes the aftercare worker. Youth are an extremely important commodity in Montana, and they are caught up in the huge SRS system, subject to various agencies that are not under one control. HB 325 proposes consolidation of several agencies into one place. The disposition of a youth currently determined by the youth court judge, will be specified by the department if that youth is determined to be a delinquent youth or a youth in need of supervision. In this way, the agency that specifies the type of correctional facility to send the youth to is the agency that will pay for the care, allowing one agency to determine the best allocation of available resources. The authority of the district judges would remain in situations where a youth is a serious threat to a community insofar as commitment of that youth to an institution for the safety of the community. HB 325 does not propose the creation of anything new and does not anticipate any additional funding. It is merely a consolidation of present resource agencies. Youth Probation Officers, currently employees of the district judge, would become employees of the state. Funds currently being contributed by counties would be kept at the same level. SRS staff is dealing with abused and neglected children; the youth court is dealing with delinquent youths or youths that need supervision. Often, these children overlap.

Emotionally disturbed children frequently do not fit into either category. We need to have one entity in charge of children regardless of how they are classified. Crimes among youth have drastically changed in recent years. Sex offender youths have entered the picture, and they require a whole new type of rehabilitative services. HB 325 will utilize and unify current resources.

PROPOSERS: Joe Mazurek, Senate District #23 and a member of the Youth Services Study Council, spoke in support of HB 325. HB 325 attempts to get a handle on youth services at the state and local level. A continuum of care within one area of responsibility is necessary. The present system is not effective from a cost or human perspective. Within our current resources, there is a need to change that system in order to do a better job for youth. He acknowledged that the creation of a new state department is difficult for some to accept. He stated the need for local control consistent with accountability at the state level. Decisions on the delivery of services and service availability should be made closer to the local level. Funding decisions should be tied closely to case decisions. The responsibility for youth services should be in a central agency. There has to be a single focal point for accountability and advocacy for youth which is spread all over our state and local system at present. Current sources of state and local funding should continue with any growth being the responsibility of the state. The dispositional authority of the youth court must be balanced with the agency responsible for funding dispositional services. He would like to see these services provided at the local level with only slight review accountability at the state level. Realistically, given the economic and legal climate at the local level, this probably cannot be accomplished. He hopes to see the creation of a new department with existing resources and with that department's emphasis at the local level. The most controversial areas in HB 325 are the transfer of the probation officers from county to state employees and the judicial authority on disposition. Probation officers are doing an effective job at the local level; they take their jobs seriously and are advocates of youth. They are concerned about getting out from the county system and becoming part of the state system. However, it is not consistent to create a state system and leave the probation officers at the local level. The sentencing authority of the district judges is another area of concern. The bill would change the judge's dispositional authority to allow him only to sentence youth, and this is a dramatic change. He closed his testimony by emphasizing that services to youth are very fragmented. As a result, there is no continuity or flexibility.

Dave Lewis, SRS Director and a member of the Youth Services Study Council, stated that the setting of priorities is a major task for this legislature. The current youth services delivery system is a classic example of how not to set priorities and how not to approach

a major problem in state government. The purpose of this proposed legislation is to build a delivery system of services to youth and families that is more effective from both the cost and human perspectives. One of the major issues in HB 325 is who controls the foster care budget. At the present time, it is a budget of approximately \$7.7 million. The authority to administer that budget is currently shared with probation officers and youth courts. When authority over a budget of this magnitude is shared, there are continuing problems as far as settling the final issue of responsibility. HB 325 is attempting to set up a unified system that allows state resources to be targeted and prioritize so that services are given to the most critical cases on a statewide basis rather than on a judicial basis. He thinks HB 325 strikes to the heart of the problem and proposes to concentrate responsibility and authority for a critical group of people in one place.

Carroll South, Director of the Department of Institutions and a member of the Youth Services Study Council, stated he has heard many complaints from people involved in the delivery of services to youth that there is no continuity of service among the existing agencies. HB 325 will rectify this. The current system is very fragmented and, at present, there is no one looking comprehensively at what the state is doing relative to youth services. He encouraged the committee not to destroy the concept of the bill and urged its adoption. He stated that the service delivery system for children and youth will never be adequate until one entity is responsible to see that those services are provided. One entity needs to be given an appropriation by the legislature and to be held accountable for how efficiently those funds are disbursed. This bill is not an impediment to other proposed legislation to reorganize Montana's executive branch relative to human services. It will enhance any further reorganization that the legislature might pursue.

Gene Huntington, representing the Governor's Office, submitted written testimony (Exhibit #1). He also presented a handout (Exhibit #2) for the committee's review. The concerns that have been voiced about the new department by preceding speakers related to judges' authorities, probation officers' authorities, etc. There are some concerns also relating to the transition. HB 325 will not radically change, at the outset, what social service people are currently doing in the field. The intent of the proposed legislation is not to disrupt services to clients. He envisions that the department would initially put someone in a coordinator status in the social services regions whose role would be to work out the implementation with local government officials and to set up local advisory committees that would be appointed by the governor from nominations from county commissioners, judges, etc. These committees would be responsible for the development of a plan of services for their particular region. This would provide for an orderly transition that would not disrupt service. The critical issue is not the transition but the consolidation of authority in one agency.

Harold Hanson, County Attorney for Yellowstone County and a member of the Youth Services Study Council, expressed support for HB 325. He expressed support for the probation officers being removed from the court and placed under the jurisdiction of the new state agency. He believes that the court best serves its constituents when it is an independent finder of facts in determining the law. The youth court is not a due process court. There is no way a court can make dispositional recommendations and still remain objective. Youth services in Montana are fragmented, and this presents serious problems from the standpoint of budget control and serving youth. It is time that Montana refocuses on the need to put a system together that has the best opportunity to deliver services to children. He made reference to a letter from Judge Joseph Gary, a member of the Youth Services Study Council and a district judge from Bozeman. Judge Gary concurs in the proposal to remove the probation officers from the district court. He stated HB 325 goes a long way to move Montana where it needs to be. It will provide Montana with an opportunity to move dramatically forward to provide a higher level of services to all youth who are having difficulties and to do it in an accountable fashion within the budget dollars that are available for these services.

Dee Cranmer, a Helena parent, stated her support for HB 325 and submitted written testimony (Exhibit #4) outlining the frustrations she experienced in attempting to get professional help for her emotionally disturbed son which was mainly caused by a lack of continuity among the various social service agencies. There was never one agency to go to or one person to talk with. She felt consideration and passage of HB 325 is very important.

Cort Harrington, a Helena attorney, said he was a former representative of youths in the Helena Youth Court as a public defender. He found that his role as an advocate was more important at the dispositional stage of the court proceedings than it was at the hearing to determine whether or not the youth was delinquent. He found that the fragmented youth services delivery system was extremely frustrating. He strongly supports HB 325 which would bring all the service agencies under one "umbrella" agency. He noted that HB 325, as drafted, would limit the youth court in the disposition it can take over a youth. The bill would limit the power of the youth court to either committing the youth to the department or placing the youth on probation. He feels this is not the most beneficial approach as far as the youth is concerned. He supports HB 325 with the proposed amendments to keep the probation officers as court employees and not to limit judicial discretion.

Geoff Birnbaum, Executive Director of Missoula Group Homes, Vice President of the Montana Residential Child Care Association and a member of the Youth Services Study Council, addressed two points of the bill: 1) youngsters caught between agencies and 2) evaluations. Responsibility for youth, regardless of their emotional classification, needs to be

assigned to one place. HB 325 will better serve youngsters in the state of Montana and should be adopted.

Craig Anderson, Chief Probation Officer from the Seventh Judicial District, President of the Montana Probation Officers Association, and a member of the Youth Services Study Council, stated that the removal of probation officers from the jurisdiction of the courts is probably the most serious issue concerning HB 325. The probation officers are concerned about the implications of that power being moved from the courts and placed with a new state department. He feels youth services will lose an effective advocate and an efficient way of meeting individual needs in the communities. He encouraged the committee to study the issue in its entirety and debate it fully. Generally, the probation officers support the concept of reorganization.

Jerry Weist, Superintendent of Schools in Great Falls and a member of the Youth Services Study Council, stated that the problems of dealing with disturbed youths are becoming more complex and there are no simple solutions. He stated that there needs to be recognition of the current fragmented system and how it drains the human and financial resources from their intended purposes. A system that is both responsible and accountable is necessary. A system with a consolidated authority is needed. HB 325 will go a long way to deal with the current problems by providing easier access to services for both the youth and their families as well as the professionals who work with them. It will provide for a more responsive system and will channel both human and monetary resources to their intended purposes which are to work for the youth of our state. He urged passage of HB 325.

Richard Meeker, Chief Juvenile Probation Officer of the First Judicial District, supports the general concept of HB 325 for reorganization of services but is concerned with eliminating, to some degree, community-based services. The probation officers currently provide community-based services. They would like to continue to provide these services in the future.

Robert Butorovich, Sheriff of Butte-Silver Bow County and a member of the Youth Services Study Council said he is looking for accountability and responsibility in the youth services system and feels HB 325 is the answer. He urged passage.

Mona Jamison, representing the Juvenile Probation Officers Association, outlined some concerns with the bill. She expressed concern over the loss of local control and accountability by taking the youth court out of the district court. Her proposed amendment (Exhibit #5) demonstrates an increased commitment of accountability by the youth court and the probation officers to the funding agency. She supports HB 325 but requested the committee to "surgically remove" that part of

the bill concerning the youth court. She does not feel the accountability of decisionmaking should be traded off with the accountability of the funding. She submitted documentation on out-of-state youth placement (Exhibits #5, #6 and #7) and noted that SRS, not the youth court judges, are responsible for the majority of such placements. In 1983, the legislature established a "paper budget concept" which directed the SRS to develop a placement budget for each youth court. Pursuant to that statute, which was enacted in an attempt to increase the accountability of the youth courts to the funding agency, rules were adopted (Exhibit #8). Her proposed amendments, which incorporate language contained in the SRS rules, stipulate that when the youth court has expended 80% of its budget, it no longer would have the discretion to make placements. The new department would make those decisions at that point. The youth court and probation officers would still submit recommendations to the department on what they deem to be the best placement for a particular youth. The final decision, however, would rest with the new department as the agency that controls the funds.

John Wilkinson, Deaconess Home Administrator, expressed support for HB 325. He stated there are not sufficient local services which will, in time, place increased pressures on the institutions, on residential treatment programs, and on out-of-state treatment programs. This bill goes a long way toward resolving some major problems in the present system.

Joan Rebich, Chairman for the Committee For Emotionally Disturbed Children From Montana said she feels that enactment of HB 325 will address the need for a continuum of care. It will be possible to have some prevention and early intervention through a coordinated effort of one department. This will eventually save money because the money will be expended early on at a point where not so many dollars are needed. A single department will also be able to come up with logical data regarding the needs of children in Montana. The committee recommends passage of HB 325 and feels it will be a beginning on the ability to plan for the children in our state, particularly the emotionally disturbed ones. Handouts she submitted are included as Exhibits #9 and #10.

Kevin Burham, Juvenile Probation Officer in Flathead County, wished to go on record as wholeheartedly supporting the amendment set forth by Mona Jamison. There is definitely a need for fiscal control of the budget.

Rep. Cal Winslow stated that the Montana system of delivery, not only for children and youth, but for all human services, is inadequate, inefficient, and needs change. HB 325 is a good plan because it will make placement easier, more efficient, and better for the youth being served. At the same time, it adds accountability. The bill as written

is necessary. He does not support the amendment submitted by Mona Jamison.

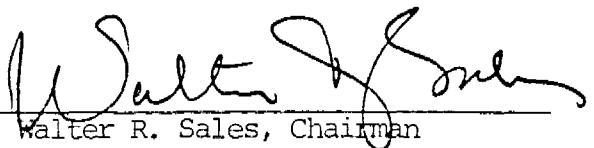
Louise Salo, Chairman of the Governor's Advisory Council on Aging, spoke on behalf of the aging. She submitted written testimony in support of HB 325 (Exhibit #11).

Written testimony was received from Jan Watson, Extended Family Services in Missoula, (Exhibit #12) and Sister Gilmary Vaughan, Director-Discovery House in Anaconda (Exhibit #13).

OPPONENTS: None present

Discussion on HB 325 was closed by Rep. Mercer. He acknowledged the legitimate concerns of the probation officers, and he does not think transfer of probation officers to the state department will prevent them from being effective advocates for youth. He feels the amendment submitted by Mona Jamison is a proposed political compromise. Limited resources have to be allocated properly, and this can be accomplished effectively by having one entity responsible. He submitted a technical amendment (Exhibit #14) and asked the committee members to address the issue and pay close attention to the experts who testified.

ADJOURNMENT: There being no further business to come before the committee and subcommittees, the hearing was adjourned at 10:00 a.m.



Walter R. Sales, Chairman

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

January 23, 1987

An executive discussion was called to order for the State Administration Committee by Chairman Sales on January 23, 1987 at 10:15 a.m. in Room 437 of the State Capitol. This followed a joint hearing with the State Administration Committee and the Human Services and Institutions Subcommittees of the Appropriations Committee on HB 325 in the Old Supreme Court Chambers.

DISCUSSION: Chairman Sales stated he had received numerous calls on HB 325 from people at the local level, and he wondered how much input there has actually been from the people that have been and will continue to perform services. Gene Huntington replied that, although he was not directly involved in the Advisory Council's deliberations, he was under the impression that there had been broad geographic representation on the council. Hearings were held around the state to address the concerns of social workers, probation officers, etc. which provided an opportunity for everyone involved. There will definitely be a decentralization in the future with local advisory councils at the local levels. Chairman Sales then asked Gene Huntington who would be appointing the local advisory council members, and he responded that appointments would be made by the governor from nominations submitted by county commissioners and the courts. Chairman Sales clarified with Gene Huntington that the concerns of loss of local control were probably unfounded as, under HB 325, there would actually more local input and control. Mr. Huntington concurred. The intent is that the services would be very local and community-based. Allocation of funding for the program would be determined by the local council based on their priorities in that particular community.

Discussion continued with Rep. Phillips asking Gene Huntington to give a rundown on the concerns of the social workers. He responded that he met in Great Falls with social workers and assured them that it was the system in Helena that was uncoordinated. He reassured them that they were doing a good job and that they would continue to have the opportunity to make recommendations and to comment on the council's proposals. Rep. Jenkins expressed concern that there might be another new state building in the future, and Gene Huntington replied that there would be no additional spending, and it was not the intention to add anything in Helena. There would possibly be facilities at the local level, however, for management purposes.

Chairman Sales then asked if anyone was present who could speak on behalf of the social workers. Norma Harris, Administrator of the SRS Community Services Division, responded that the social workers are concerned about

relocating but feel comfortable with the details of implementation laid out by Gene Huntington. She indicated she would personally encourage social workers to support HB 325.

Rep. Pistoria stated he has received letters from social workers in opposition to HB 325 and wondered what the real reason was why the probation officers do not want to be part of this new department instead of being under the judges. Mona Jamison, representing the Juvenile Probation Officers Association, responded to the question by stating it wouldn't be human if the probation officers weren't concerned as there is always a certain degree of apprehension inherent with a change of any kind. However, the main concern is that the probation officers feel they can better serve the kids if they are answerable to a judge and both of them are answerable at the county level. She does not feel the judges are in support of removing the Youth Court from the jurisdiction of the district court.

Chairman Sales requested Rep. Mercer to comment on the problem of the probation officers wanting to be answerable to the local judge rather than to someone in Helena. Rep. Mercer stated there were mixed feelings among the judges on this issue. He stated it was more efficient for the same person who places a youth in a correctional facility to be the person paying the bill. In that manner, the interests of the child can be balanced with available resources. He acknowledged that the probation officers will perhaps have some loss of local autonomy. If the proposed amendments are adopted, probation officers will be totally excluded.

Chairman Sales asked Rep. Mercer if taking away the probation officers' relationship with the judges would make their jobs more difficult as now they have a good handle on the disposition of their clients. Rep. Mercer replied that the probation officers would still be recommending to the judges, and in 90% of the youth cases, the judge adheres to these recommendations. It doesn't matter if the probation officers are county or state employees. There would be no change in salary structure for probation officers under the proposed new system.

Rep. Jenkins asked one of the probation officers present to explain the duties of a probation officer to him. Craig Anderson, Chief Probation Officer for the 7th District, replied that the youth court probation system is responsible for two classifications of youth, the first being delinquent youth and the second group being youth in need of supervision. All kids allegedly committing offenses in either category are taken to the probation office after being cited by a police officer or having been referred through other channels. At that point, there are procedures followed depending on the type of crime, etc. The educational requirements are MA or BA with three years experience for a chief probation officer. Deputy probation officers are statutorily

required to have a BA in a related field with one year experience or a BA in any field with three years experience in a youth related field.

Chairman Sales then asked Mr. Anderson how he viewed the change insofar as how things are currently done and how they might be handled under the proposed new system. He replied that one of his main concerns is insufficient resources to provide for all the needy youth which, he feels, will result in a uniform criteria established that kids will be measured against to determine whether or not they will receive services. If they become part of the new state agency, he feels there will be more accountability for the placement dollar. He fears that decisions will be based more on dollars than on the needs of youth. Rep. Bill Strizich, deputy juvenile probation officer from Great Falls, made a few comments to the committee members. The key to this whole issue is children and families. One of the biggest problems in dealing with today's youth is the degeneration of the family system. Responsiveness from the public employees dealing with these problems is essential. The youth court traditionally has been responsive. Raising the level of bureaucracy simply cannot have a beneficial effect on the effectiveness of those individuals. On the other hand, he stated that we do have a present system of serving youth that has been established at the state level and reorganization of that particular aspect of youth services is long overdue. There has been a long tradition in Montana of maintaining local control over criminal justice agencies. Chairman Sales stated he understood the feelings expressed by Rep. Strizich and stated that it appeared to him that in this new system, the only hope of retaining that community feeling is going to be by way of the advisory council which, in effect, will be replacing the judge if this commitment is made. Rep. Strizich expressed the concern that the probation officers might be adjudicating more cases when dealing with criminal offenses, rather than diverting such cases from the court system.

Chairman Sales asked Rep. Mercer to explain just how the advisory council would work under the new system. He responded by stating that the probation officers seem to feel that by transforming themselves from being an employee of the judge to an employee of the state, they no longer care about the community. This is an insult to themselves as well as to other caring state employees dealing with youth. The advisory council would try to work to get community services set up at the local level. The spending of the money and the decision making has to be in the same place.

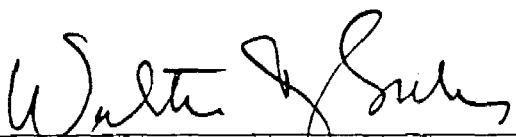
Chairman Sales asked Rep. Mercer if this advisory council would have any authority in determining disposition of a youth. Rep. Mercer replied "no" that the state agency will have the authority to say where the child goes, but the local people will have input in terms of what options are available. They will make suggestions and recommendations.

People like Bill Strizich will be making the decisions subject to the constraints put upon them by a state agency that will advise what resources are available. Chairman Sales then asked if the advisory council would have as much influence at the state level as the judges currently have, and Rep. Mercer replied that he "didn't see how it possibly could"; the judges can demand whereas the advisory council will be recommending. Mona Jamison commented that without the proposed amendments, the bill transfers a judicial function to a state agency and, in effect, punishes the youth court. She stated that if it is the pleasure of the committee to work with the amendments, the Association would be very happy to work with the Legislative Council to determine if the 80% figure is appropriate and any other details in order to work things out. The Association also wishes to go on record in support of the new department because it feels it will fulfill a need in terms of services for kids.

Rep. O'Connell expressed the concern that we were measuring the future of youths by dollars and cents by moving it from the judicial experts to an advisory council which is usually political.

Chairman Sales indicated that executive action would not be taken on this issue until the fiscal note is received.

ADJOURNMENT: There being no further business to come before the committee, the executive discussion adjourned at 11:25 a.m.


Walter R. Sales, Chairman

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HOUSE BILL NO. 325

INTRODUCED BY MERCER, MAZUREK, COBB, REAM, SQUIRES,
M. WILLIAMS, PECK, LORY, CAMPBELL, KADAS, O'CONNELL, FRITZ,
DONALDSON, ADDY, MILES, SPAETH, GRADY, HARRINGTON,
WINSLOW, HANSEN, ECK, BACHINI, PATTERSON, MILLER,
JERGESON, MANUEL, BLAYLOCK, REGAN, B. BROWN, DARKO

BY REQUEST OF THE GOVERNOR'S OFFICE

IN THE HOUSE

JANUARY 20, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
FEBRUARY 9, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED. STATEMENT OF INTENT ADOPTED.
FEBRUARY 10, 1987	PRINTING REPORT.
FEBRUARY 11, 1987	SECOND READING, DO PASS AS AMENDED.
FEBRUARY 12, 1987	ENGROSSING REPORT.
FEBRUARY 13, 1987	THIRD READING, PASSED. AYES, 66; NOES, 23. TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 16, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
MARCH 25, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 28, 1987	SECOND READING, CONCURRED IN.
MARCH 30, 1987	THIRD READING, CONCURRED IN. AYES, 30; NOES, 20. RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 7, 1987

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS NOT
CONCURRED IN.

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 9, 1987

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 13, 1987

FREE CONFERENCE COMMITTEE REPORTED.

IN THE SENATE

APRIL 15, 1987

FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

IN THE HOUSE

APRIL 15, 1987

SECOND READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

APRIL 16, 1987

THIRD READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

SENT TO ENROLLING.

HB 325 is 71 pages
long. Please call
State Law Library
if you require entire
text.

1 *m. Miller* *House* BILL NO. *325* *Spurges*
2 INTRODUCED BY *MERCER* *Thompson* *Robb* *Ream*
3 *Pack Long Conley* BY REQUEST OF THE GOVERNOR'S OFFICE *Willard* *Eden*
4 *Kedra* *Fitch* *Kennedy* *Miles* *Brady* *Winkler* *Harrison* *Bestine*
5 A BILL FOR AN ACT ENTITLED: "AN ACT REORGANIZING THE
6 EXECUTIVE BRANCH OF STATE GOVERNMENT; CREATING A NEW
7 DEPARTMENT OF FAMILY SERVICES; TRANSFERRING CERTAIN
8 FUNCTIONS OF THE DEPARTMENT OF SOCIAL AND REHABILITATION
9 SERVICES, COUNTY WELFARE DEPARTMENTS, THE DEPARTMENT OF
10 INSTITUTIONS, AND THE YOUTH COURT OF THE DISTRICT COURT TO
11 THE DEPARTMENT OF FAMILY SERVICES; TRANSFERRING YOUTH
12 PROBATION OFFICERS FROM THE YOUTH COURT TO THE DEPARTMENT OF
13 FAMILY SERVICES; GENERALLY REVISING THE LAWS RELATING TO
14 CHILD WELFARE SERVICES, CHILD AND ADULT PROTECTIVE SERVICES,
15 AND THE YOUTH COURT TO CONFORM TO THE REORGANIZATION;
16 REPEALING SECTIONS 40-3-115, 41-3-1106, 41-3-1113,
17 41-3-1121, 41-5-702, 41-5-704, 41-5-705, 53-4-121, 53-4-122,
18 53-20-404, 53-20-407, 53-20-411, AND 53-20-412, MCA; AND
19 PROVIDING EFFECTIVE DATES."
20
21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
22 Section 1. Section 2-15-104, MCA, is amended to read:
23 "2-15-104. Structure of executive branch. (1) In
24 accordance with the constitution, all executive and
25 administrative offices, boards, commissions, agencies, and

1 instrumentalities of the executive branch of state
2 government and their respective functions are allocated by
3 this chapter among and within the following departments or
4 entities:
5 (a) department of administration;
6 (b) department of military affairs;
7 (c) department of revenue;
8 (d) state board of education;
9 (e) department of labor and industry;
10 (f) department of commerce;
11 (g) department of justice;
12 (h) department of health and environmental sciences;
13 (i) department of social and rehabilitation services;
14 (j) department of institutions;
15 (k) department of highways;
16 (l) department of public service regulation;
17 (m) department of agriculture;
18 (n) department of livestock;
19 (o) department of state lands;
20 (p) department of natural resources and conservation;
21 (q) department of fish, wildlife, and parks;
22 (r) department of family services.
23 (2) For its internal structure, each department shall
24 adhere to the following standard terms:
25 (a) The principal unit of a department is a division.

STATUS SHEET

50th LEGISLATIVE SESSION

State Administration COMMITTEE

HOUSE BILL NUMBER	ENTERED COM. DATE	DATE CON- SIDERED	OUT OF COM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMENDED DATE	DO NOT PASS AS AMENDED DATE	BE CON- CURRED IN DATE	BE NOT CON- CURRED IN DATE	BE CON- CURRED IN AMENDED DATE	BE NOT CONCURRE IN AS AMENDED DATE
292	1/19/87	1/29/87		1/29/87							
296	1/20/87	1/30/87			2/4/87						
299	1/20/87	1/29/87		1/29/87							
300	1/20/87	2/13/87									
306	1/20/87	1/30/87	tabled 2/3/87		2/6/87						
321	1/20/87	1/30/87		2/3/87							
✓ 325	1/20/87	1/23/87				2/6/87	1/28/87				
355	1/21/87	1/30/87			2/4/87						
364	1/21/87	2/3/87				2/12/87					
410	1/22/87	1/29/87			1/29/87						
418	1/23/87	2/10/87					2/12/87				
427	1/24/87	2/3/87		2/6/87							
445	1/24/87	2/4/87			2/4/87						
447	1/26/87	2/6/87			2/6/87						

Use a separate sheet for Senate Bills, House Bills, and Resolutions.

STATE ADMINISTRATION COMMITTEE

50TH LEGISLATIVE SESSION

1987

<u>Committee Members</u>	<u>District</u>
Rep. Walt Sales, Chairman	76
Rep. John Phillips, Vice Chairman	33
Rep. Bud Campbell	48
Rep. Dorothy Cody	20
Rep. Duane Compton	17
Rep. Gene DeMars	29
Rep. Harry Fritz	56
Rep. Harriet Hayne	10
Rep. Gay Holliday	31
Rep. Loren Jenkins	13
Rep. Janet Moore	65
Rep. Richard Nelson	6
Rep. Helen O'Connell	40
Rep. Mary Lou Peterson	1
Rep. Paul Pistoria	36
Rep. Rande Roth	96
Rep. Tonia Stratford	26
Rep. Timothy Whalen	93

Secretary

Betty DeYoung
Jeannie Johns

DAILY ROLL CALL

State Administration

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date

Jan. 22, 1987

NAME	PRESENT	ABSENT	EXCUSED
Walt Sales	✓		
John Phillips	✓		
Bud Campbell	✓		
Dorothy Cody			
Duane Compton	✓		
Gene DeMars	✓		
Harry Fritz	✓		
Harriet Hayne	✓		
Gay Holliday	✓		
Loren Jenkins	✓		
Janet Moore	✓		
Richard Nelson	✓		
Helen O'Connell	✓		
Mary Lou Peterson	✓		
Paul Pistoria	✓		
Rande Roth	✓		
Tonia Stratford	✓		
Timothy Whalen	✓		

INSTITUTIONS & CULTURAL EDUC. SUB COMMITTEE

Date January 23, 1987

[illegible]

HUMAN SERVICES SUB-COMMITTEE

Date January 23, 1987

[illegible]

OUTLINE OF HB 325 -- DEPARTMENT OF FAMILY SERVICES

Sections 1 through 4 merely create the new Department of Family Services.

Section 5 sets forth the powers and duties of the new Department and is a consolidation of current powers and duties of SRS, Dept. of Institutions, and youth court probation relating to children. Adult protective and aging services within SRS are also included.

Sections 6 through 8 creates local service areas, a state youth advisory council, and local youth services advisory councils. These are the only new functions/activities in the bill.

Sections 10 through 14 clarify the specific functions to be transferred from SRS, D of I, county welfare departments, and youth courts.

Section 15 specifies the Council's recommendations on probation officers' salaries. In essence, probation officers are transferred with their current salaries. Their positions will be classified by state personnel just as other positions. They will be placed at the step closest to their current salary. If the salary is above step 13 of the appropriate grade, the salary is frozen until the pay matrix catches up.

Sections 16 through 30 are amendments to existing statute changing the departmental name or adding the Department of Family Services to the statute. Most deal with child support enforcement or statutes dealing with minors.

Sections 31 through 48 deal with existing statute on child protective services and includes changing department names or minor clean-up.

Sections 49 through 64 amend some statutes within the Youth Court Act.

Specifically, Section 49 adds a definition of "probation officer" to mean an employee of the department (of family services) whose duties generally involve the provision of services to youth in need of supervision and delinquent youth. Through this definition, probation officers become employees of the department but their jobs do not change. This is a major issue for probation officers.

Section 49 also adds a definition of a "serious juvenile offender" which relates to an amendment to the dispositional options available to the youth court judge in Section 60 of this bill.

Section 50 freezes the counties' obligation for youth probation services at their FY87 budgeted level. The Council recommended

that any future increase of probation services be an obligation of the state. Some counties indicated that the FY86 levels were higher than FY87 due to some federal revenue sharing monies that were available. The Council recommended the freeze be at the FY87 budgeted level.

Section 54 amends 41-5-205 to allow the youth court's jurisdiction of a youth to continue until the new department discharges a youth. Currently, this statute terminates the youth court's jurisdiction at the time the youth is committed to the state. This amendment is in accordance with the Council's recommendation to alter the dispositional options available to the youth court in Section 60, but to allow the youth court to continue to be involved at the judges' discretion by extending the court's jurisdiction. Some have indicated that allowing continued jurisdiction is messy, but the Council wanted to be sure that youth court judges have an obvious method to review cases if questions arise.

In Section 57, the method of communicating between probation and SRS regarding placements has been deleted due to the consolidation of these two parties.

Section 60 is the amendment to the dispositional options available to the youth court judge. The Council recommended that the youth court judge should have the authority to order placement of youth in need of supervision or a delinquent youth, but that the new department, which is responsible for the funding for placement, be the party responsible to place the youth. Under this proposal the departmental staff would include the probation officers who currently advise the youth court judges on appropriate placements. Placement advise and recommendations would become decisions by departmental staff who are currently youth court staff.

1) This change begins on page 76, line 14 and continues through page 77, line 19. This amendment continues all of the existing dispositional authority of the judge with the exception of the actual facility or home the youth is placed. Some judges indicated that they need to be able to protect their communities from dangerous juvenile offenders. The Council then recommended that the judges be able to require a physically secure placement in the case of public safety. With the definition of the "serious juvenile offender" added in Section 49 and the amendments on page 77, lines 5-9, that recommendation is accomplished.

2) The next lines 10-16 offer state-of-the-art protection of youth placed in physical confinement.

3) The amendment on page 78, lines 3 and 4, confirms the department's authority to determine the location of a court ordered evaluation.

Sections 65 through 71 are general name changing and clean-up amendments.

Section 72 removes child welfare and child protective services from SRS powers and duties.

Sections 73 through 79 either add the new department to existing statutes or remove children's functions from SRS and the county welfare departments.

Sections 80 through 87 amend the state assumption statutes in allow for the splitting of protective services from public assistance. Through these amendments nothing will change for either an existing assumed county or any county opting for state assumption. All the changes in funding and routing of funding will be the responsibility of the state.

Sections 88 through 96 either add the new department or continue to clarify and separate functions between the new department and SRS.

Sections 97 through 101 amend existing statute on protective services for the developmentally disabled to clarify the role of the new department for these protective services. Some clean-up is included.

Sections 102 through 111 amends existing statutes for the Department of Institutions to substitute the new department. There are no substantive changes.

Section 112 is the repealer section, repealing:

40-3-115 allows youth probation officers to assist with conciliation court which is not done to any great degree.

41-3-1106 is not needed with the inclusion of the youth court probation officers in the Department of Family Services. The regional managers will have authority over local budgets.

41-3-1113 allows the youth court judge to place a youth in a youth care facility. The new department will have the responsibility to place youth.

41-3-1121 is in regard to SRS paying for youth court placements which would not occur under this proposal.

41-5-702 specifies the qualifications for probation officers. This will be handled by the Personnel Division of Dept. of Administration.

41-5-704 specifies the salary and expenses for probation officers. The manner in which the transferred probation

officers' salaries will be handled is in Section 15, page 14 of this bill.

41-5-705 specifies deputy probation officers' salaries. See Section 15.

53-4-121 allows the county board of commissioners to administer child welfare services which is transferred to the Dept. of Family Services in Section 12.

53-4-122 allows county welfare departments to handle county's child welfare work. See Section 12.

53-20-404 allows for a petition to make developmentally disabled persons to become wards of SRS, but this procedure is handled under Title 72, chapter 5, part 4, rather than under this statute.

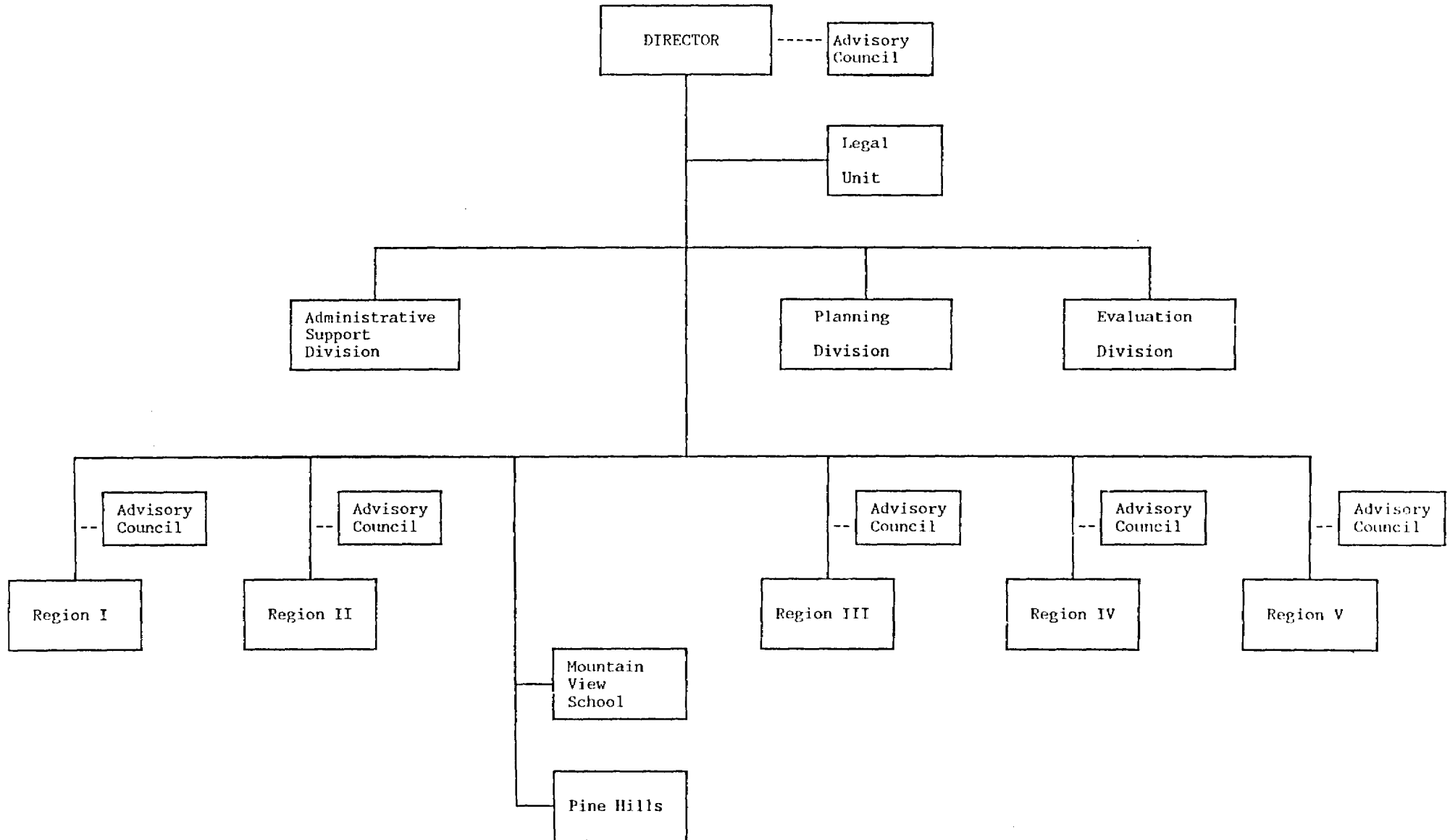
53-20-407 specifies the method of providing protective services to DD persons which is duplicated elsewhere in the statutes.

53-20-411 allows for termination of protective services for wards which is also covered in Title 72, chapter 5, part 4.

53-20-412 is also covered in the guardianship statutes under Title 72, chapter 5.

Sections 113 through 118 are boiler plate type sections which specify extension of rulemaking authority from SRS and D of I for these purposes, codification instructions, severability, reorganization procedures, implementation, and effective dates. The effective date for the Governor's authority to sign an executive order is immediate, but the implementation of all the other sections does not occur until the executive order or October 1, 1987 whichever comes first.

DEPARTMENT OF FAMILY SERVICES



MONTANA

Counties and Cities shown on the map:

- Lincoln:** Libby
- Flathead:** Kalisfell
- Glacier:** Cut Bank
- Toole:** Shelby
- Liberty:** Chester
- Hill:** Havre
- Chinook**
- Blaine:** Malta
- Phillips:** Glasgow
- Valley:** Wolf Point
- Scorey:** Daniels
- Plentywood:** Sheridan
- Sanders:** Thompson Falls
- Polson**
- Superior**
- Mineral**
- Missoula:** Missoula
- Powell**
- Lewis and Clark:** Helena
- Great Falls:** Great Falls
- Cascade:** Stanford
- Judith Basin:** Judith Basin
- Fergus:** Lewistown
- Petroleum:** Winnett
- Garfield:** Jordan
- Mccone:** Circle
- Dawson:** Glendive
- Prairie:** Terry
- Wibaux**
- Richland:** Sidney
- Granite:** Philipsburg
- Deer Lodge:** Deer Lodge
- Anaconda**
- Boulder:** Boulder
- Townsend**
- Broadwater**
- Meagher:** White Sulphur Springs
- Harlowton**
- Wheatland**
- Golden Valley:** Roundup
- Roundup
- Musselshell:** Musselshell
- Hysham**
- Forstyth**
- Miles City**
- Baker**
- Fallon**
- Ravalli:** Hamilton
- Deer Lodge:** Deer Lodge
- Butte:** Butte
- Silver Bow**
- Jefferson**
- Gallatin:** Bozeman
- Livingston**
- Park:** Park
- Carbon**
- Red Lodge**
- Sweet Grass:** Sweet Grass
- Rig Timber**
- Stillwater**
- Columbus**
- Billings**
- Hardin**
- Yellowstone:** Yellowstone
- Treasure**
- Robeud**
- Custer:** Custer
- Exalaka**
- Carter**
- Powder River:** Broadus

Map of Montana 1904

- mental health regions
- MACo districts

PROPOSED DEPARTMENT OF FAMILY SERVICES

HOUSE BILL 325

BACKGROUND

In November 1985, Governor Schwinden appointed the 19-member Council on Reorganization of Youth Services to recommend "ways to reorganize and improve the delivery of services to Montana's problem youth." The Council--representing the courts, legislators, local government, agencies serving children and the private sector -- was created in response to growing concern about the lack of coordination and accountability in the youth services system.

Authority and resources for youth services are currently spread among two state agencies, district courts, probation officers and mental health centers. As it now stands, no single agency:

- can be held accountable for what happens or fails to happen to a child in the system;
- has responsibility for long range policy because plans or policies made by one agency are not binding on others in the system;
- can be held accountable to the legislature for the efficient use of funds for children with the greatest needs.

THE PROPOSED DEPARTMENT

The Council recommended that responsibility and authority for youth services be consolidated within a single, locally responsive agency. It recommended that adult protective services and aging services be placed in the new department to retain current staff who serve both children and adults in rural areas and to have all family-related services within one agency.

Functions

The Department of Family Services would incorporate the following existing functions into a new department:

- intake, investigation, case management and client supervision (SRS - Probation)
- foster care, group care, residential care and adoption (SRS- Probation)
- institutional services at Pine Hills and Mountain View School (Institutions)
- the Youth Evaluation Program and contracted evaluation and counseling services (Institutions-SRS- Probation)
- licensure of foster homes, group homes and youth care facilities (SRS)
- aftercare and youth court probation (Courts-Institutions)
- prevention services such as Big Brothers/Sisters, child abuse prevention grants and the Children's Trust Fund (SRS)

Decentralization

To decentralize authority, management functions within the proposed agency would be organized into five regions, each with a local planning/advisory council. Council members would be nominated by local county commissioners and courts, and appointed by the Governor. There would be a direct line of authority and accountability between the local (regional) manager and the department director.

Implementation

The new department would be implemented over the next biennium. Initially, field operations would change very little until local planning/advisory groups could be organized to review plans for local services.

Funding

No additional funding would be required beyond existing budgets from the agencies being consolidated. Resultant savings could be directed to additional services. Since local government responsibilities would be assumed by the state, funds for those assumed services would be transferred to the state. However, local government contributions would not exceed fiscal year 1987 budget levels. For foster care expenditures over the 1987 level, the local government matching rate would be halved.

Judges' Authority

The Council recognized that conflict will continue as long as the courts hold the authority to place a youth, but SRS must pay for the placement. To resolve this conflict, the Council recommended that the new department decide where youth should be placed. Judges would retain authority to decide if a child should be taken from the family or community and, if the child poses a threat to society, whether placement in a secure setting is appropriate.



EXHIBIT #3
DATE 1/23/87
HB 325

EIGHTEENTH JUDICIAL DISTRICT
Department II

JOSEPH B. GARY
DISTRICT JUDGE

DOROTHY BRADLEY, J.D.
LAW CLERK AND MASTER

ROBYN M. ORI
CSR RPR
COURT REPORTER

SUE AVERY
SECRETARY

January 22, 1987

Representative Walt Sales
Chairman

~~Human Services Committee~~ **STATE ADMINISTRATION**
Capitol Building
Helena, Montana 59620

Re: House Bill No. 325

Dear Walt:

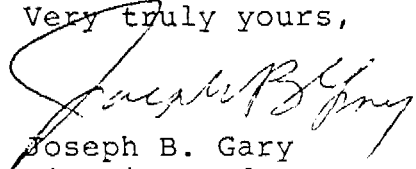
As a member of the Governor's Committee that worked on the study that culminated in House Bill No. 325, I signed an endorsement of the result and would support the passage of the bill.

There were certain aspects of the bill that caused me some concern, one of which was losing the probation officers from the judge's supervision and appointment. However, it appeared that in the long run that consolidation of services for youth would be beneficial if it were under one department. The Division of Labors in this field from probation of delinquent youth on the one hand and abused youth on the other hand should required correlation yet probation handles the delinquent youth and SRS handles the abused youth and often the abused youth becomes the delinquent youth, so there is not a continuity that this department could undoubtedly correct. The question of After Care, also, requires a certain amount of continuity which at the present time probation has nothing to do with, and the Department of Institutions does and the committing judge and officer sometimes lose track and do not know what happens after the youth leaves the institution.

Representative Walt Sales
January 22, 1987
Page 2

For these reasons, I feel that the department would be advantageous and recommend its passage.

Very truly yours,



Joseph B. Gary
District Judge

JBG:sa

DATE 1/23/87

HB 325

August 16, 1981

To: Ted Schwinden, Governor, State of Montana
Carroll South, Director, Department of Institutions
John LaFaver, Director, Social and Rehabilitative Services
Jerry Roth, Director, Special Services Center, School Dist. #1
J. Bailey Molineux, PhD., Psychologist, Private Practice
Dick Meeker, Chief Probation Officer, Lewis & Clark County
Judy Johnson, Asst. Superintendent, Office of Public Instruction
Dick Rosenleaf, Director, Children's Unit, Warm Springs State
Hospital
Gordon Bennett, Judge, First Judicial District, State of
Montana
William Ware, Chief of Police, Helena Police Department
Bill Evans, Director, Southwest Montana Mental Health Center

From: Dee Cranmer, concerned parent

I'm writing to share with you a very personal, very frustrating experience. Partly, it's a story about my adopted son, Cesar, who, in about a year's time, evolved from being a fairly average, compliant, polite and good natured 12 year old, to a dishonest, defiant, emotionally disturbed youngster. I don't know why it happened; I was a good mother. The experts suggest to me that his problems were probably latent -- originating when he was an abandoned street kid in Guatemala City, but not manifested behaviorally until recently. At any rate, the thrust of the story is about the nearly insurmountable problems I had in getting him placed in the Children's Unit at Warm Springs State Hospital for an intensive evaluation.

Last fall, Cesar was acting-out in school and at home, to the point where I was not coping well:

11/21/80--I had an appointment at Southwest Montana Mental Health Center with Agnes Johnson, who suggested that Cesar be evaluated by Dr. Evan Lewis, then at SMMHC.

12/4/80--Evaluation completed with Cesar.

12/11/80--Evaluation interpreted to me by Dr. Lewis, who had found him to be very uncommunicative, but nothing pathological showed up.

12/15/80--I had a final session with Ms. Johnson, who was positive about my ability to cope with Cesar and his behaviors.

Jan. 1980 through Easter 1981--Cesar was on a home-school controlled reward system for both behavior and completion of work. If he complied, he was allowed privileges. If not, privileges were denied. The system involved the School Psychologist, Resource Teacher, Classroom Teacher and myself. Things ran roughly, but nothing was out of control. Also, I made application to Big Brothers and Sisters for Cesar.

4/28/81 Tues.--Cesar ran away from home, but returned late that night.

5/17/81, Sun.--He ran away again, and was found the next morning on

the school playground. At that point, I decided to make an appointment with a private psychologist for family counseling.

5/28/81, Thurs.--Cesar and I had our first appointment for counseling with Dr. Molineux. Cesar was uncommunicative.

6/13/81, Sat.--Cesar met with Dr. Molineux alone.

6/18/81, Thurs.--I met with Dr. Molineux alone. He told me that Cesar was showing signs of disturbed behavior and we should start thinking in terms of an intensive evaluation on an in-patient basis; perhaps at Yellowstone Boys and Girls Ranch or the Children's Unit at Warm Springs State Hospital.

6/23/81, Tues.--Cesar ran away again.

6/24/81, Wed.--I went to the Police Station to file a Run-Away Complaint. Also called Dr. Molineux for advice.

6/25/81, Thurs.--I cancelled our appointment with Dr. Molineux, took a picture of Cesar to the police, and called most of his buddies--no one had seen him.

6/26/81, Fri.--Called Capt. Sanguin, Juvenile Division of the Police Department, to tell him a neighbor girl may have information about Cesar, but she was unwilling to talk to me about it. Cesar was found that afternoon. He refused to come home, so was taken to Dick Meeker at Lewis and Clark County Probation, who placed him at the Attention Home. I spent 2 hours talking to house parents, to Cesar and to Dick Meeker, late that afternoon. Since Cesar refused to come home with me, we decided he could stay there for 2 days. It was hard for me to hear that my own son didn't want to come home.

6/28/81, Sun.--I brought him home from the Attention Home.

6/29/81, Mon.--We had another family therapy session with Dr. Molineux. Cesar was still not talking much.

6/30 through 7/9/81--Cesar's behavior was deteriorating--lying, stealing, sneaking out of the house at night, odd sexual curiosities and behaviors.

7/9/81, Thurs.--We had another family session with Dr. Molineux. Again he strongly recommended an intensive evaluation. I agreed to make an appointment with Lewis and Clark County Welfare to find out about financial assistance for the evaluation at Yellowstone Boys and Girls Ranch. I was having a hard time accepting that the evaluation should be done at Warm Springs.

7/10-11/81, Fri., Sat.--A dreadful two days! Cesar's behavior was nearly out of control. He had thrown a tool at me and had repeatedly said that he didn't want to live at home anymore.

7/12/81, Sun.--I took Cesar to church camp as planned. Maybe a week with the priests would help?

7/13/81, Mon.--I met briefly with Dr. Molineux expressing fear for

my safety and coping skills in dealing with Cesar's bizarre and new violent behaviors.

7/15/81, Wed.--I met with Bill Minor at the L&C County Welfare Office. He took a brief history about Cesar, explained red-tape for financial assistance, talked about how expensive YB&GR is, and promised to assign a Social Worker to the case early the following week. Also, he asked if I'd considered Family Teaching Center. I thought that was rather inappropriate; it's a wonderful agency, but I felt our problems were bigger than they could handle. Besides, I'd sought out professional help already.

7/17/81, Fri.--I picked Cesar up from camp at Salmon Lake. He didn't talk to me all the way home. Late that night he ran again.

7/18/81, Sat.--I called Dr. Molineux for advice and support. Then I went to the police to file another Run-Away Complaint, and dropped by the Attention Home to let them know that Cesar would be back there when found. I came home to find that he'd broken into the house and taken many of his clothes and the money in his wallet. I reported that to the police.

7/20/81, Mon.--I called Dick Meeker to let him know that Cesar had run, then went to the Police to encourage them to look harder for Cesar. I left them with a list of his buddies, their parents' names, addresses and phone numbers, thinking perhaps the kids would talk to the police, even though they wouldn't talk to me or my friends. I came home to find that he'd broken into the house again to take a pillow, sleeping bag, and blankets, so I reported that to the police.

7/22/81, Wed.--I had not heard from Welfare yet, so I called them. Bill Minor had assigned the case to Joe Loos, who was in a meeting. I called back. Now he was out to lunch. I called back later. He was still not available, so I left a message. Received a call from Joe Baumgartner, who had been assigned the case by Joe Loos, who had been assigned the case by Bill Minor. We scheduled an appointment to begin the Case History at 9:00 the next morning. Then a neighbor called to say that Cesar had just been at her house. I called the police and told them.

(IF YOU'RE FINDING THIS WHOLE THING LONG, CUMBERSOME AND TEDIOUS, SO DID I. THAT'S MY POINT!)

In the meantime, I'd spoken to a friend who had arranged for me to meet with Dick Rosenleaf of Warm Springs Children's Unit at 3:30. I left the house just in time to see Cesar riding down the street on the back of a motorcycle, tried to catch them, couldn't, so stopped at a pay phone to call the police. I met with Dick Rosenleaf, who agreed that perhaps Cesar should come to his place for an evaluation. I was very impressed with what he said and was more comfortable with the idea of Warm Springs. I might need to go through the Office of Public Instruction and School District #1 of Helena to make recommendation for the placement. I talked with Judy Johnson at TOPI who suggested I'd need to meet with Jerry Roth, the Director of Special Services for School District #1 to begin the process. I had dinner with friends and came home at 9:00. At 10:30 I decided to police the

neighborhood in hopes of spotting my son, but decided to call in at the Police Department first. I was informed that Cesar had been found earlier in the evening and was at the Attention Home. I spent an hour and a half on the phone spreading the good news to friends and relatives. I wondered why the police hadn't called to let me know he'd been found.

7/23/81, Thurs.--Joe Baumgartner from Welfare came to my home to interview me about Cesar. Also, I called Dr. Molineux to tell him Cesar had been found and scheduled a session for both Cesar and I on Monday night.

7/26/81, Sun.--I went to visit Cesar at the Attention Home. He was defiant and hateful toward me. I told the house parents of the appointment with Dr. Molineux. I would pick Cesar up the next evening at 7:45 for the therapy session. I spoke with the house parents again later that evening; they said Cesar had been suspected of stealing money from another child there.

7/27/81, Mon.-- I went to the Attention Home, as arranged, to pick Cesar up. He wasn't there; he'd been allowed to go on an "outing" with the rest of the kids. They were sorry, but they'd forgotten about the appointment. I was furious. I met with Dr. Molineux alone and finalized the decision to go through OPI and School District #1 for placement for the evaluation. First choice, Warm Springs. Second choice, YB&GR. I received a mountain of information and forms from YB&GR for possible future use. I also signed releases for information to go to about five different places. We were covering all bases and following the rules, right?

7/28/81, Tues.--I met with Jerry Roth to explain (in writing, copy to Judy Johnson) my request for an independent evaluation of Cesar. Mr. Roth was sympathetic and cooperative. He met with Dal Curry at OPI that afternoon in an attempt to define roles and responsibilities of the School District and of OPI in a case like this. Mr. Roth called me to let me know that a Child Study Team meeting had been called for the next afternoon.

7/29/81, Wed.--I met at the Special Services Center with the Child Study Team. Mr. Roth had called in a Core Team consisting of psychologist, nurse, resource teacher and administrator (himself). All came to the meeting willingly although all were on summer vacation. We did the appropriate paperwork. I called Dick Rosenleaf to tell him that Cesar would indeed be coming to Warm Springs. He said he'd call me back the next day with finalization plans.

(PLEASE DON'T GIVE UP NOW -- THE BEST IS YET TO COME.)

7/30/81, Thurs.--Dick Rosenleaf called to say that he'd rather not take Cesar on a voluntary basis. He would rather have a Court Order determine his placement there, and that I should contact Dick Meeker to make those arrangements. I went to see Mr. Meeker who told me that the Court Order process could take up to 2 weeks, that Cesar must have his legal rights explained to him by an attorney, that a petition be drawn up, that a hearing before a judge was required, and that it wasn't easy to have Cesar declared a Youth in Need of Supervision. Mr. Meeker said he'd make necessary arrangements for

an attorney to visit with Cesar, probably the next day (Fri.) or the following Monday. At this point, I was wondering what my rights were as a concerned parent--evidently none. I was extremely frustrated knowing that there was nothing I could do to expediate matters. Nothing was happening. All I wanted was for my son to be evaluated by a professional staff to determine why his behavior had changed so dramatically.

7/31/81, Fri.--I was close craziness knowing that nothing would be accomplished before the next week. I decided to go visit my parents in Billings. I called the Attention Home to let them know where they could reach me, and was told that Cesar was on maximum restrictions. He was causing trouble for the other kids and the adults, and was non-compliant, lying and stealing. I sensed they were hoping he'd be leaving them soon. I then called Mr. Meeker to tell him how to reach me. Still frustrated, I tracked down Dr. Molineux at a meeting in Billings (by phone since I had not left town yet), described the current stalemate and tried to blame everybody in sight, but--God bless him--he encouraged me to be patient and strong. I'd have to ride it out. I flew to Billings--on mental R and R.

8/4/81, Tues.--I was still in Billings and had heard nothing from Helena. I called Mr. Meeker who said that David Hull, an attorney, had talked with Cesar as legally necessary, and that the Court Order was ready to be signed by myself and a judge. Good news! Maybe things were going to work out after all.

8/5/81, Wed.--I signed the Court Order and made arrangements to take Cesar to Warm Springs the following day. I called Dick Rosenleaf to let him know we would arrive around 11:00 a.m. All I'd need to do the next morning was to pick up the Court Order, not yet signed by a judge, pick up Cesar, and go. I was really encouraged.

8/6/81, Wed.--At 4:20 a.m., I received a call from the Police Station to say my car had been stolen by two boys, and would I please come to identify and claim the car at the corner of 7th and Jackson. A police officer picked me up and, sure enough, there was my car with my son inside. He and another boy had run from the Attention Home, broken into my house through a basement window, stole the money in my wallet, my keys and my car, while I was asleep upstairs. I told Mr. Meeker on the phone from the Police Station that I was in no shape to take Cesar to Warm Springs later that morning and that he would have to make arrangements for his transportation. He said he would. I was furious, frightened and totally disillusioned at that point. I couldn't believe what was happening. This kind of thing happens to other people. Cesar spent the night in the County Jail. He's only 12 years old, for God's sake! Later that morning I went to see Capt. Morley at the Police Station, who said that charges of breaking and entering, robbery and car theft probably would be filed against the boys. At 1:00 that afternoon, Dick Meeker called to say that Judge Gordon Bennett refused to sign the Court Order. Apparently he didn't want Lewis and Clark County to have to pay the \$2500 for the evaluation at Warm Springs. If Cesar went on a voluntary basis, the financial responsibility belonged to the State of Montana, since Warm Springs is a state institution. I couldn't believe it! Apparently it was acceptable to have the child in jail or running on the streets

being destructive, but not okay to spend county tax money to have him evaluated. However, Mr. Meeker had arranged a meeting at 3:00 with Bill Evans as SMMHC to take care of the paper work which would enable Cesar to go for the evaluation on a voluntary basis (please refer back to page 4, 7/30/81; we're back to square one). We met, signed the voluntary commitment papers and I cried all the way home. Cesar spent another night in jail. Mr. Meeker took him to Warm Springs on Friday, August 7.

Today is August 16. I went to Warm Springs on Friday to visit Cesar, to deliver his birthday presents (he was 13 yesterday--every mother wants her child to spend his/her 13th birthday in the "nut house", right?), and to share information with his primary therapist. I was frightened; I'm still frightened. However, I'm satisfied that he's placed appropriately and that he's receiving excellent care.

Today, August 16, I'm still a 35 year old single parent, college educated, civic minded and law abiding. And, I'm still infuriated by the cumbersome process that I had to endure in order to get help for my emotionally disturbed child. Sadly, it's not over yet. After the evaluation is completed, recommendations will be made for a treatment plan. I'm apprehensive. Will I have to go through all this nonsense again to get him placed for treatment? Fortunately, I was not working this summer, which allowed me the time needed to make the endless phone calls, to meet with people, to search for help for my son. I'll be returning to work on August 26; I'll no longer have limitless free time. Do you understand my apprehension?

To those of you who plowed through this essay, thank you. Perhaps your senses of humanity have been touched. If so, please, please, work toward altering the steps of this process. Please work toward defining this process for parents and agencies. And, please work toward consistency within state controlled departments.

Sincerely,

Diedre J. (Dee) Cranmer

~~544 E. 1st Ave.~~

Helena, Montana 59601

469 So. Montana Ave.

443-3945

From August 7, 1981 until April 30, 1985, Cesar was at Warm Springs State Hospital, Children's Unit. During the first two of those years I drove to Warm Springs every other Monday evening for Family Counseling. For the next year and a half, for various reasons, I made the trip much less often, but had frequent phone contact with Dick Rosenleaf and Julie Powers, his primary therapists.

In February of 1985, attempts were made by the staff at WSSH to get him placed in a group home. It was felt that he would adapt better to group home life than to making the transition to MYTC in Billings. Also, Cesar was at WSSH on a voluntary commitment. There were some legal questions regarding his transfer to MYTC on that type of commitment. Numerous letters were sent and phone calls made to Lewis and Clark County Human Services (Joe Connell), to SRS, to D of I, to Last Chance Group Home in Helena, all in the attempt to place Cesar. For reasons I never understood, it just "couldn't be done." I think no one wanted to take the fiscal responsibility.

Via legal action in Deer Lodge County which involuntarily committed him, Cesar was transferred to MYTC on April 30, 1985. During the year and three months he was there, what little contact I had with that staff was mostly at my initiation. Decisions were made regarding his education, vocational training (I use the term loosely), medical treatment and psychotherapy, without my knowledge, much less my input. Often my phone calls weren't returned, nor my letters answered. This was very frustrating for me being 240 miles away and feeling left out. I could get answers and/or action only when I went directly to Curt Chisholm at D of I or Kelly Moore at the Board of Visitors.

In April of 1986, as Cesar came nearer to turning 18, talk began at MYTC of discharging him to a group home. I attended a meeting at MYTC in June, 1986 and there was still talk about it. On his 18th birthday, August 15th, he was discharged to an adult group in Billings. I found out about it via a copy of the legal notification to the District Judge, Thirteenth Judicial District, Yellowstone County, Montana. No one called me to let me know.

My son is 18, and therefore an adult. He chose to leave the group home (where, according to him, "all they do is smoke and rock"), in November and is living on the streets in the southside of Billings, taking his meals at the Rescue Mission and sleeping wherever.

The bottom line here is that during my 6 plus years of involvement with THE SYSTEM, I have found it always difficult and disjointed. Never has there been one person with most of the answers. No one seems to make anyone else accountable. No one has ever said to me, "I'll take care of it." There is a dire need for continuity. I see a Department of Family Services as being able to provide continuity.

man Johnson

#5
1/23/87
325

PROPOSED AMENDMENTS TO HB 325, INTRODUCED COPY.

Delete all amendments to section 41-3-1114 in section 45 of the bill. Delete the repeal of 41-3-1106, 41-3-1113, and 41-3-1121 and amend those sections and 41-3-1114 as follows. Then amend the remainder of the act to take the youth court and its probation officers out of the act and maintain the status quo of current law.

41-3-1106. Allocation of money to judicial districts -- transfers between budgets -- reports. (1) The department shall allocate placement budgets, based upon historical placement patterns and current placement trends, to the judicial districts for the substitute care of youth in need of supervision or delinquent youth. The budget must be for a fiscal year beginning July 1 and must be determined by the department prior to July 1. The department shall send a written copy of each judicial district's budget to the district's youth court and chief youth court probation officer. The department must monitor each district's budget expenditures and submit to the youth court and its chief probation officer quarterly reports stating the beginning budget amount for the fiscal year and the percent spent as of the end of the quarter. The youth court judge or judges and chief probation officer must, upon receipt of a quarterly report, meet and examine the report and determine whether the rate of budget expenditures makes it advisable to consider changing the youth court's placement decision policies in order to remain within the budget.

(2) If the department determines that the balance in a district's budget is or may be insufficient to adequately fund the youth court's and department's substitute youth care placements under this part for the remainder of the fiscal year, the department may transfer to the district's budget account

funds in the budget account of a district that the department determines will or may end the fiscal year with a surplus in the budget account.

{2} (3) The placement budgets may be monitored by a youth court committee as provided for in 41-5-105 or a foster care review committee as provided for in 41-3-1115.

41-3-1113. Authority of judge to commit youth. A (1) Except as provided in subsection (2), a youth court judge may in his discretion place a delinquent youth or a youth in need of supervision in a youth care facility for any period of time up to the child's 21st birthday, subject to the approval of the facility's sponsoring nonprofit corporation or association.

(2) If 80% or more of the budget provided for in 41-3-1106 has been expended the youth court may not make any further placements for the remainder of the fiscal year and the department shall, after considering the youth court's placement recommendations, place all youths that the court determines must be placed.

41-3-1114. Continuing jurisdiction of youth court. The youth court ~~placing a delinquent youth or a child in need of supervision in a youth care facility~~ retains continuing jurisdiction over the a youth placed under this part until the youth becomes 21 years of age or is otherwise discharged by order of the court.

41-3-1121. Foster care payments for youth court placements.
(1) The youth court may establish procedures for finding, maintaining, and administering substitute care and foster homes approved by the court for youth within the provisions of this part.

(2) Pursuant to 41-3-1112, the department shall make a foster care payment for a child placed by the youth court or the department if:

(a) the child is placed in a youth care facility licensed by the department or by an appropriate licensing authority from another state;

(b) the youth court, with respect to placements made by it, enters into an agreement according to federal regulations with the department for the placement of children;

(c) the placement of the child is reviewed as required by 41-3-1115; and

(d) the youth court retains supervision of the child in placement.

DLC1645/JM/JM1

#6
DATE 1/23/87
PAGE 325

PART 1: OVERVIEW OF OUT-OF-STATE PLACEMENTS AS OF 1/14/87:

- ... 38 Montana youth are currently placed in out-of-state residential treatment facilities.
- ... 6 Montana youth are currently placed in an out-of-state group home (North Dakota's Home on the Range for Boys).

PART 2: PLACEMENT CHANGES DOCUMENTED SINCE THE PREVIOUS UPDATE (9/19/86)...

1. was placed at Excelsior Youth Center (Spokane) on 10/15/86.
2. was placed at Shamrock Acres (Spokane) on 1/1/87.
3. was placed at Colorado Christian Home (Denver) on 12/3/86.
4. was placed at Griffith Center (Golden, Colorado) on 12/31/86, after an evaluation at Denver Children's Home.
5. was placed at the Youth Behavior Program (Evergreen, Colorado) on 1/1/87.
6. placement at Hennepin County Home School ended 10/20/86.
7. was placed in the group home at Home on the Range for Boys (Sentinel Butte, North Dakota) from 10/29/86 until 12/18/86.
8. placement in the group home at Home on the Range for Boys (North Dakota) ended 11/1/86.
9. was placed at Clayton College for Boys (Denver) on 12/15/86.
10. placement at Forest Heights Lodge ended 10/18/86.
11. was placed at Colorado Christian Home on 10/8/86.
12. was placed in the group home at Home on the Range for Boys (North Dakota) on 10/12/86.
13. was placed at the Youth Behavior Program (Evergreen, Colorado) on 11/3/86.
14. was placed in the group home at Home on the Range for Boys on 8/13/86.
15. was placed at Colorado Christian Home (Denver) on 10/24/86.
16. was placed at Shamrock Acres (Spokane) on 11/18/86.
17. placement at Colorado Christian Home (Denver) ended 10/30/86.
18. placement at Vision Quest (Arizona) ended 10/28/86.
19. was placed for 16 days in August at Home on the Range for Boys.
20. was placed at Home on the Range for Boys for 16 days in August.
21. was placed at Cleo Wallace Center (Broomfield, Colorado) on 10/28/86.
22. was placed at Griffith Center (Golden, Colorado) on 12/5/86.

Mona Jamison

PART 3: LISTING OF CHILDREN CURRENTLY IN OUT-OF-STATE PLACEMENTS, ARRANGED BY STATE AND FACILITY

NAME	DATE OF BIRTH	AGE AT PLACEMENT	COUNTY	LEGAL STATUS	PLACING AUTHORITY	DATE PLACED	PLACEMENT RECOMMENDATIONS	RECOMMENDATION MADE BY	FINAL PLACEMENT	RATIONALE FOR PLACEMENT
ARIZONA PLACEMENTS:										
(A)/ARIZONA----VISION QUEST PLACEMENTS:										
	05/06/69	16	Lewis & Clark	YD <i>Declaratory of</i> 1-20-86	Court	8/85	Vision Quest	Psychiatrist	Vision Quest (Tucson, AZ)	Court-ordered. No appropriate in-state treatment resources were available. Order states that YBGR and Pine Hills are not appropriate facilities. Probation Officer reported that he checked into YBGR and VoA as potential in-state treatment placements. Not committable to MYIC, according to psychiatrist who examined FS.

COLORADO PLACEMENTS:

(A)/COLORADO----CLAYTON COLLEGE FOR BOYS PLACEMENTS:

10/19/76	10	Yellowstone	PC	SRS	12/86	In-state: Intermountain Deaconess Home, YBGR, Montana Youth Treatment Center (MYIC)	SW (Social Worker)	Clayton College for Boys (Denver)	No appropriate Montana treatment facility was available when ML needed treatment... Deaconess Home (Helena), the most appropriate treatment facility for ML's problems, need and age, would have accepted ML but had no openings... YBGR had opening but refused to accept ML because of risk of ML being a sexual offender... MYIC refused admission because ML was too young... Colorado Christian Home and the Cleo Wallace Center refused admission (no openings)... Clayton College for Boys (less expensive than YBGR) accepted ML for placement (12/15/86)... ML is still on the Deaconess Home waiting list in case the Clayton College placement does not work out.
						Out-of-state: Colorado Christian Home, Cleo Wallace Treatment Center	SW		
						Clayton College for Boys (Denver)	CSD State office staff		

[COLORADO PLACEMENTS are continued on the next page...]

LEGAL STATUS CODE	
Code	Description
HD	48 hr hold under authority of 41-3-301 MCA/45 day hold
PA	Parental agreement
PC	Agency permanent custody
PF	Petition filed
ST	Stipulation of youth court
TA	Temporary investigative authority
TC	Tribal court
TP	Agency temporary custody
YA	Youth court (aftercare use only)
YC	Youth court (need of care) (probation use only)
YD	Youth court (delinquent) (probation use only)
YS	Youth Court (need of supervision) (probation use only)
OS	Another state has custody

DATE OF BIRTH	AGE AT PLACEMENT	COUNTY	LEGAL STATUS	PLACING AUTHORITY	DATE PLACED	PLACEMENT RECOMMENDATIONS	RECOMMENDATION MADE BY	FINAL PLACEMENT	RATIONALE FOR PLACEMENT
COLORADO PLACEMENTS, Continued:									
(R)/COLORADO----CLEO WALLACE CENTER PLACEMENTS:									
10/15/70	16	Yellowstone	TP	SRS, by court order	10/86	YBCR Highly structured residential treatment program such as the Montana Youth Treatment Center (MYTC) or the Cleo Wallace Treatment Center.	SW (6/17/86) Psychiatrists, SW (9/22-23/86)	Cleo Wallace Center (Broomfield, Colorado)	Court-ordered (9/24/86). Montana resources were explored, attempted and found inadequate to meet TS' need. Court found that TS needed a more restrictive, structured treatment setting than previous Montana placements, which have produced unsatisfactory results. TS ran away from YBCR placement and from other Montana placements. YBCR refused readmission after run away. Court found TS seriously mentally ill and committed TS to MYTC in Billings until the Cleo Wallace Center had an opening.
(C)/COLORADO----COLORADO CHRISTIAN HOME PLACEMENTS:									
10/06/75	10	Cascade	TP	SRS	1/85	Intermountain Deaconess Home, Forest Heights Lodge, YBCR Forest Heights, Colorado Christian Home, Denver Children's Home, Secret Harbor	SRS Screening Committee (8/30/84) SWII (8/22/84)	Colorado Christian Home (Denver)	No available appropriate treatment in Montana. The SRS Screening Committee on 8/30/84 found JC to be a severely emotionally disturbed child for whom residential treatment is appropriate. 8/22/84 social study: JC was found emotionally disturbed, with diagnosis of "Childhood Schizophrenia," inadvertently emotionally deprived and abused by JC's mother (described as having an "inability to understand and care for her own needs in a mature way.") No openings at Intermountain Deaconess Home.
09/13/79	7	Park or Meagher [Court order regarding financial responsibility is pending.]	TP	SRS	12/86	Residential treatment center or specialized foster care home with psychotherapy	Clinical psychologist (9/2/86)	Colorado Christian Home (Denver)	No appropriate in-state facility was available to meet RF's needs. RF: severely emotionally disturbed, result of long-standing psychological/emotional abuse...Intermountain Deaconess Home, the only appropriate in-state treatment facility, had no openings...Several foster care homes were unable to cope with RF's aggressiveness and other extremely difficult problems.

[...COLORADO PLACEMENTS are continued on the next page...]

COLORADO PLACEMENTS, Continued:
 COLORADO CHRISTIAN HOME PLACEMENTS, continued:

DATE	AGE	COUNTY	TYPE	COURT	DATE	LOCATION	REMARKS	REMARKS	REMARKS
03/22/76	10	Cascade	TP	Court	5/86	Residential Treatment Intermountain Deaconess Home Colorado Christian Home Forest Heights Lodge	Mental Health Center, Great Falls School District SW SW SW	Colorado Christian Home (Denver)	Court-ordered (3/31/86). No appropriate treatment resources for RG's severe problems and needs were available in Montana. Court order of 3/31/86 recommended residential treatment at either Intermountain Deaconess Home or Colorado Christian Home. Deaconess had no openings. YBGR had judged earlier that they could not treat RRG because of the severity of his emotional problems. RRG is extremely hyperactive and unable to function in the school system even in programs for the emotionally disturbed. Forest Heights Lodge, also contacted, indicated it would not accept any additional Montana children because of contract dispute.
11/10/76	8	Valley	PC	SRS	9/84	YBGR, VOA, Casey Family Program, Inter- mountain Deaconess Home, Forest Heights Lodge, Colorado Christian Home	SW	Colorado Christian Home (Denver)	No Montana program was available at the time of BK's need for placement. Deaconess Home had no contract openings. YBGR was not considered because their behavior modification program would not have been an effective treatment for this child. BK has experienced multiple losses and Forest Heights Lodge's program deals specifically with this type of child.
10/15/74	11	Flathead	TP	SRS	10/86	Residential treatment facility	SW and Juvenile Probation in consultation	Colorado Christian Home (Denver)	Available Montana facilities could not provide adequate treatment to meet PH's needs. Placement at Deaconess Home ended after PH's assaults on Deaconess staff. Deaconess recommended treatment at Kalispell's Glacier View Hospital, but this was found not possible because of economic factors.
04/23/79	7	Yellowstone	TP	SRS	10/86	YBGR, Deaconess Colorado Christian Home, Devereaux (Texas), Forest Heights Lodge, Cleo Wallace Center	SW SW	Colorado Christian Home (Denver)	Placement for treatment within Montana could not be secured. YBGR denied admission--could not handle MEP's issues/problems. Intermountain Deaconess was willing to try treatment, but had no openings. Colorado Christian was finally chosen on the basis of previous good results and willingness to do frequent psychiatric consultations.

[...COLORADO PLACEMENTS are continued on the next page...]

NAME	DATE OF BIRTH	AGE AT PLACEMENT	COUNTY	LEGAL STATUS	PLACING AUTHORITY	DATE PLACED	RECOMMENDATION MADE BY	FINAL PLACEMENT	RATIONALE FOR PLACEMENT	
COLORADO PLACEMENTS, Continued:										
COLORADO CHRISTIAN HOME PLACEMENTS, continued:										
	03/24/75	11	Missoula	YC ✓	SRS	7/86	Colorado Christian Home	SW	Colorado Christian Home (Denver)	Court-ordered (7/11/86). Appropriate resources for treatment in Montana could not be found. Order grants temporary legal custody of BR to SRS/ Missoula County Department of Human Services, with placement at Colorado Christian Home to begin 7/14/86 until further order of the court or CCH staff terminate this placement. BR: emotional handicap, behavior problem, parental request. [SRS Screening Committee previously, 4/11/84, recommended 45-day extensive evaluation at Salt Lake City's Primary Children's Hospital for sexual maladjustment. See 3/29/84 psychiatric report.] 6/3/86 authorization from Assistant Administrator of Community Services Division to pursue placement at CCH.
	08/11/80	5	Cascade	IP	SRS	5/86	Structured Residential Treatment Center	DR's primary therapist and Mental Health Center staff	Colorado Christian Home (Denver)	No treatment facility in Montana for child DR's age (5) and with DR's problems. Report from SRS III: DR needed care not available in current foster home/therapy arrangement. Emotional state recently deteriorated seriously; potentially psychotic. Therapist and Mental Health Center staff recommended structured residential treatment. DR: abused and sexually abused. Deaconess Home --only real in-state possibility-- would not take DR.
							Colorado Christian Home	SW, SWS III		
							Intermountain Deaconess Home	SW, SWS III		
	08/20/73	11	Cascade	TC	SRS	8/84	Colorado Christian Home, Wallace Village	Psychologist	Colorado Christian Home (Denver)	No in-state placement could meet SS's needs. Social Worker reports that SS is very severely disturbed. Warm Springs Children's Unit not accepting new cases, but wouldn't meet need anyway.
							Intermountain Deaconess Home	SW		
	11/08/74	10	Cascade	SEX OFFENDER ?	Court	11/84	Sex offender program	Psychologist	Colorado Christian Home (Denver)	Court-ordered. No Montana treatment facility would accept JT. Only Colorado Christian was willing to take JT due to extensive sex offender history...See Treatment Review Report (8/4/86) for update on progress in treatment.

[...COLORADO PLACEMENTS are continued on then next page...]

NAME	DATE OF BIRTH	AGE AT PLACEMENT	COUNTY	LEGAL STATUS	PLACING AUTHORITY	DATE PLACED	RECOMMENDATIONS	RECOMMENDATION MADE BY	FINAL PLACEMENT	RATIONALE FOR PLACEMENT
COLORADO PLACEMENTS, continued:										
CITY/COLORADO----GRIFFITH CENTER PLACEMENTS, continued:										
	03/31/73	13	Lewis & Clark	YS	Court	12/86	YBGR, Susan Talbot Home Denver Children's Home Griffith Center, Cleo Wallace Treatment Center	P.O. P.O. Denver Children's Home	Griffith Center (Larkspur, Colorado)	Court-ordered to Griffith Center 12/74/86. No Montana facilities were willing to accept GLG because of behaviors, size, age and need for secure, closed facility. Susan Talbot Home placement for GLG ended when Talbot concluded that GLG needed closed setting. YBGR would not accept GLG because of size and age. Court-ordered placement at Denver Children's Home ended when DCH staff could not handle GLG's behaviors and staff intimidations. Only in-state option would have been jail.
	12/20/71	14	Lewis & Clark	YD	Court	12/86	Residential treatment Last Chance Youth Home and Day Treatment program of Mental Health Services--in lieu of suspended commitment to Pine Hills.	Pine Hills School; St. Peter's Hospital (Helena); Youth Evaluation Program (Great Falls) P. O. (8/18/86), recommending community-based treatment program in lieu of incarceration	Griffith Center (Golden, Colorado)	Court-ordered (12/4/86. Order stated that there is no Montana facility which can care for and treat GLG and that residential treatment at the Pine Hills School in Montana is inappropriate. Youth Evaluation Program diagnosis: Conduct disorder, socialized aggressive (D.S.H. III-312.23).
	10/01/68	16	Glacier	YS	Court	11/84	Griffith Center	Pine Hills School's evaluation report	Griffith Center (Golden, CO)	Court-ordered to Griffith Center.

[...COLORADO PLACEMENTS are continued on the next page...]

	DATE OF BIRTH	AGE AT PLACEMENT	COUNTY	LEGAL STATUS	PLACING AUTHORITY	DATE PLACED	PLACEMENT RECOMMENDATIONS	RECOMMENDATION MADE BY	FINAL PLACEMENT	RATIONALE FOR PLACEMENT
PADO PLACEMENTS, continued:										
(A)/COLORADO----LARADON HALL PLACEMENTS:										
	07/19/76	9	Deer Lodge	TP	SRS <i>would appear to be S-R-S.</i>	5/86	Residential Treatment or Therapeutic Foster Home with substantial educational services. Laradon Hall (near Denver Children's Hospital)	Denver Children's Hospital Staff SW at Denver Children's Hospital	Laradon Hall (Denver)	There were no Montana facilities able to provide environment necessary for treatment. Diagnosis by the Denver Children's Hospital was Mental Retardation (organic brain disease with seizure disorder) and Pervasive Development Delay (childhood onset type)... NPN cannot effectively be served at home or in a foster home setting. VOA (Billings) accepted NPN for structured treatment foster home, but Billings school system refused to accept NPN. YBGR was contacted (but was found not appropriate for NPN). Inter-mountain Deaconess Home was contacted (but refused admittance). Several out-of-state facilities also refused placement. (See 5/9/86 and 5/12/86 memos from SW and 9/17/86 memo to Social Security Administration.) Laradon Hall was chosen because of its proximity to Denver Children's Hospital, where NPN can continue to receive services.
(C)/COLORADO----ROUNDUP FELLOWSHIP PLACEMENTS:										
	06/09/77	6	Cascade	TP	SRS S-R-S	11/82	Colorado Christian Home	SW	Colorado Christian Home (6/26/86: Transferred to Roundup Fellowship -- Denver, CO)	No program available in Montana to meet BO's needs because of his age and the severity of his problems. [6/27/86 note: B.O. was ready for group home placement, less restrictive environment than residential -- but still no available placement location in Montana.]
(H)/COLORADO----SHILOH HOUSE PLACEMENTS:										
	11/15/70	12	Fergus	PC	SRS S-R-S	3/83	YBGR, Colorado Christian Home	SW	Colorado Christian Home. (4/30/86: Transferred to Shiloh House, Littleton, CO)	No available in-state treatment was found to be appropriate. YBGR refused placement there because of possible brain damage. VoA couldn't handle JB's behavior.
(I)/COLORADO----TEEN ACRES PLACEMENTS:										
	01/06/76	6	Deer Lodge	PC	SRS S-R-S	6/82	YBGR, Colorado Christian Home	SW	Colorado Christian Home (Denver). 2/1/86: Transferred to Teen Acres (Sterling, CO)	No program in Montana at this time to meet JD's needs. Treatment for sexually abused needed. (Move to Teen Acres on 2/7/86 was a move to a less expensive, less restrictive environment. In transition to independent living.)

[...COLORADO PLACEMENTS are continued on the next page...]

<u>DATE OF BIRTH</u>	<u>AGE AT PLACEMENT</u>	<u>COUNTY</u>	<u>LEGAL STATUS</u>	<u>PLACING AUTHORITY</u>	<u>DATE PLACED</u>	<u>RECORDS</u>	<u>PLACEMENTS</u>	<u>RECOMMENDATION MADE BY</u>	<u>FINAL PLACEMENT</u>	<u>RATIONALE FOR PLACEMENT</u>
COLORADO PLACEMENTS, continued:										
7/27/77 IDAHO---YOUTH BEHAVIOR PROGRAM PLACEMENTS										
05/25/77	9	Musselshell	PC	SRS	1/87	Residential treatment	SRS Resource Worker and Therapist	Youth Behavior Program (Evergreen, Colorado)	Montana treatment resources (for ensuring success of pre-adoptive placement) were found to be inadequate. IMH's pre-adoptive placement could not continue without additional treatment, not available in Montana. IMH has special needs and multiple losses to deal with.	

08/21/80	6	Deer Lodge	PC	SRS	11/86	Residential treatment facility for intensive in-patient treatment	SW and therapist	Youth Behavior Program (Evergreen, Colorado)	No Montana placement adequate for IM's needs could be found. IM: severely emotionally disturbed, in need of treatment to prepare him for adoption. Psychological report of 6/23/86 describes IM's highly disruptive behavior.
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IDAHO PLACEMENTS:

(A1) IDAHO---NORTH IDAHO CHILDREN'S HOME PLACEMENTS:

11/20/69	15	Lincoln	PC	SRS	3/85	Intermountain Deaconess Home, Children's Unit at Warm Springs Hospital	SW	North Idaho Children's Home (Lewiston, ID)	No Montana treatment found to be workable. Ran away from Deaconess Home and they wouldn't accept back. Warm Springs Children's Unit said placement there was not appropriate.
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NORTH DAKOTA PLACEMENTS: (All current North Dakota placements are in a group home, not a treatment facility: Home on the Range for Boys.)

(A1) NORTH DAKOTA--HOME ON THE RANGE FOR BOYS PLACEMENTS:

02/10/69	17	Richland	YC ✓	Court	4/86	Home on the Range for Boys (Group home, not treatment)	P.O.	Home on the Range for Boys (Sentinel Butte, ND)	Court-ordered. Youth Court consent decree of 4/14/86 orders IDC to HOR for Boys, citing felonies and misdemeanors since 1/86. 45-day evaluation by D of I was ordered 1/7/86.
08/10/70	15	Dawson	YD ✓	Court	3/85	Home on the Range for Boys (Group home, not treatment)	P.O.	Home on the Range for Boys (Sentinel Butte, ND)	Court-ordered to HORR (group home).

NORTH DAKOTA PLACEMENTS are continued on the next page...

<u>DATE OF BIRTH</u>	<u>AGE AT PLACEMENT</u>	<u>COUNTY</u>	<u>LEGAL STATUS</u>	<u>PLACING AUTHORITY</u>	<u>DATE PLACED</u>	<u>COMMENT /REMARKS</u>	<u>RECOMMENDATION MADE BY</u>	<u>FINAL PLACEMENT</u>	<u>RATIONALE FOR PLACEMENT</u>
NORTH DAKOTA PLACEMENTS, continued:									
NORTH DAKOTA---HOME ON THE RANGE FOR BOYS Placements, continued:									
06/12/70	16	Rosebud	PC	SRS	10/86	Home on the Range for Boys (Group home, not treatment)	SW	Home on the Range for Boys (Sentinel Butte, ND)	After NM's long-term adoptive placement in eastern Montana broke down, a foster care home placement in western Montana was tried (but failed). When subsequent shelter care placement in Billings could not meet NM's need for care, NM was transferred to Home on the Range for Boys, a group home that is relied upon as a resource for eastern Montana youth.
02/26/70	15	Phillips	PC	SRS	8/85	Home on the Range for Boys (Group home, not treatment)	SRS Resource Worker	Home on the Range for Boys (Sentinel Butte, ND)	SRS Resource Worker (Hiles City District Office) reported that HQR for Boys is the most appropriate placement for CB, a youth from eastern Montana. A three-year foster home placement in Glendive broke down. Adoption attempts had been unsuccessful.
01/09/73	13	Cascade	YS	Court	8/86	Home on the Range for Boys (Group home, not treatment)	P.O.	Home on the Range for Boys (Sentinel Butte, ND)	Court-ordered (8/8/86) at Home on the Range for Boys until age 18, with SRS ordered to pay for placement and school district for educational costs. Placement made as a result of several thefts, assault, runaway, truancy and school difficulties.
10/25/71	14	Dawson	YC	Court	4/86	Home on the Range for Boys (Group home, not treatment)	P.O.	Home on the Range for Boys (Sentinel Butte, ND)	Court-ordered. DDT was placed at HQR on 4/8/86, in need of care not available at previous placement (three weeks at group home care in Wolf Point, per court order of 3/19/86). Placed by Youth Court (burglary, unauthorized use of motor vehicle, runaway cited in 5/8/86 court document, "Consent Adjustment Without Petition"). 6/5/86 HQR report also cites drug and alcohol abuse and physical assaults on family members.

TEXAS PLACEMENTS:

(A1) TEXAS---BROWN SCHOOLS COMMUNITY PROGRAM:

DATE OF BIRTH	AGE AT PLACEMENT	COUNTY	LEGAL STATUS	PLACING AGENCY	PLACED	DATE OF PLACEMENTS	MADE BY	PLACEMENT	PLACEMENT
06/04/72	10	Deer Lodge	TP	SRS	11/82	Residential psychiatric treatment	5/10/79: SRS Screening Committee	Double D Manor (Evergreen, CO)...	No Montana residential facility was found that could handle DMS' multiple physical handicaps, emotional problems and maladaptive, problematic behaviors. ...Residential treatment was recommended by SRS Screening Committee back in 1979 (5/10/79), but no facility would accept DMS due to the complexity and extent of her problems. [Double D Manor's closing required transfer to another facility.]
						Long-term, highly structured residential program	7/8/86: Clinical psychologist	...Transferred 8/15/86 to the Brown Schools Community Program (Austin, Texas).	

WASHINGTON PLACEMENTS:

(A1) WASHINGTON---EXCELSIOR YOUTH CENTER PLACEMENTS:

DATE OF BIRTH	AGE AT PLACEMENT	COUNTY	LEGAL STATUS	PLACING AGENCY	PLACED	DATE OF PLACEMENTS	MADE BY	PLACEMENT	PLACEMENT
11/02/71	14	Cascade	TP	SRS	4/86	Intermountain Deaconess Home	SW	Excelsior Youth Center (Spokane)	No in-state facility was available to handle CD's multiple problems (sexually abused, sexual offender, other behavior problems). Report from SW: No openings at Intermountain Deaconess Home, and YAGR was determined by psychologist to be inappropriate. Colorado Christian could not accept because of CD's age. CCH recommended Excelsior Youth Center. Excelsior Spokane was chosen because costs were lower and facility was closer than Excelsior's Denver facility. Placed 4/8/86.
						Colorado Christian Home	SW		
						Excelsior Youth Center (Spokane)	Colorado Christian Home Staff		
04/12/73	13	Missoula	YD	Court	10/86	Excelsior Youth Center	P.O.	Excelsior Youth Center (Spokane)	Court-ordered (10/14/86): Order states: "No appropriate in-state resources are available including local group homes and state institutions." Court order was issued after 45-day evaluation at Pine Hills School for Boys.

[...WASHINGTON PLACEMENTS are continued on the next page...]

DATE OF BIRTH	AGE AT PLACEMENT	COUNTY	LEGAL STATUS	PLACING AUTHORITY	DATE PLACED	PLACEMENT ORIGINATIONS	RECOMMENDATION MADE BY	FINAL PLACEMENT	RATIONALE FOR PLACEMENT
WASHINGTON PLACEMENTS, continued:									
...WASHINGTON--EXCELSIOR YOUTH CENTER PLACEMENTS, continued:									
12/26/69	16	Cascade	TP	WYIC <i>not sure</i>	8/86	Excelsior Youth Center (Spokane), Deaconess Home, YBCR	SWIII, Youth Evaluation Program (Great Falls) and District Court (8/22/86)	Excelsior Youth Center (Spokane)	Court-ordered 8/28/86. Search for programs in Montana to meet TP's needs came up empty-handed. TP unable to return home (long-term physical abuse, stepfather refuses counseling). Ran away from foster home placement 5/86. Previous group home placement. Evaluated at YEP (Great Falls), which recommended EYC (Spokane) placement for chemical abuse treatment and for therapy for other emotional and behavior problems. 8/14/86 memo indicates that both YBCR and Intermountain Deaconess Home refused admission.
09/04/71	14	Missoula	YC	Court	8/86	Excelsior Youth Center (Spokane), Cleo Wallace Center (Colorado) MYIC (Billings)	SW, PO SRS/CSD Administrator (8/5/86)	Excelsior Youth Center (Spokane)	Court-ordered. No appropriate Montana treatment facilities were available... 7/31/86 PO report: MYIC, YBCR, Dea- coness Home and Susan Talbot Youth Care Center were in-state facilities consid- ered, but were judged to be clinically inappropriate for ALS. Consent Decree of 9/7/86 found that (a) placement in facility other than group home or youth foster home is necessary, (b) ALS cannot receive appropriate treatment in a Montana youth care facility. SRS was ordered to pay costs at EYC...8/14/86 Supplemental Court Order found that reasonable efforts have been made to prevent out-of-home placement and that EYC (Spokane) placement is the "best [sic] restrictive alternative" available to meet ALS' needs... JM memo in file: ALS, a severe suicide risk...Cleo Wallace Center (Colorado) and Excelsior (Spokane) were out-of-state facilities considered.

[...WASHINGTON PLACEMENTS are continued on the next page...]

PLACEMENTS, continued:
 WASHINGTON--EXCELSIOR YOUTH CENTER PLACEMENTS, continued:

05/21/70 16 Cascade TP ~~8/86~~ 7/86

YBGR, Excelsior Youth Center

SWIII

Excelsior Youth Center (Spokane)

Intensive psychotherapeutic environment in facility for behaviorally disturbed adolescents

Clinical Psychologist (5/7/86)

Court-ordered 7/7/86. granted temporary custody of ESW. SRS "so she can be placed at Excelsior Youth Home" (Spokane). No Montana treatment facility could be found to handle ESW's problems and needs... YBGR had no openings. Foster care homes were inappropriate because of ESW's sexual activity. Receiving home and shelter care (which were the previous placements) could not provide needed care and treatment. Finally, Excelsior Youth Center had an opening and EYC's costs were lower than in-state treatment at YBGR.

(B) WASHINGTON---RYTHER CHILD CENTER PLACEMENTS:

02/15/78 7 Lewis & Clark TP ~~8/86~~ 8/85

Ryther Child Center (Residential treatment facility in Washington, state of residence of natural mother.)

State of Washington (Department of Social and Health Services)

Ryther Child Center (Seattle)

SRS removed CM (11/83) from the home of his natural father, then placed CM (4/84) with his natural mother in the state of Washington. WA Dept. of Welfare later recommended/implemented foster home placement for CM. From foster home, CM was placed in Ryther CC (where CM's brother had been placed per recommendation of SRS Screening Committee).

04/23/75 9 Lewis & Clark TP SRS 1 1/85

Residential treatment in Washington

SW, with concurrence of the SRS Screening Committee

Ryther Child Center (Seattle)

As a result of SRS action (11/83), JM was removed from the home of his natural father and was placed (4/84) in the state of Washington with his natural mother. Mother could no longer handle so a Washington substitute care placement was sought.

[...WASHINGTON PLACEMENTS are continued on the next page...]

<u>NAME</u>	<u>DATE OF BIRTH</u>	<u>AGE AT PLACEMENT</u>	<u>COUNTY</u>	<u>LEGAL STATUS</u>	<u>PLACING AUTHORITY</u>	<u>DATE PLACED</u>	<u>RECOMMENDATION MADE BY</u>	<u>FINAL PLACEMENT</u>	<u>RATIONALE FOR PLACEMENT</u>
WASHINGTON PLACEMENTS, continued:									
<u>701775SHIMC107---SHAMROCK ACRES PLACEMENTS:</u>									
	10/10/76	16	Lewis & Clark	YS	Court	11/86	Shamrock Acres	P.O. (11/13/86)	Shamrock Acres (Spokane)
					<i>no longer in place</i>				Court-ordered (11/21/86). Extensive history of in-state placements and treatments attempted. Previous in-state placements for CMP have included YBGR, Pine Hills School (for evaluation), foster care home (run away), Shodair Hospital Chemical Dependency Unit, Ewing Place (group home) and Wilderness Treatment Program (residential treatment for drug and alcohol abuse).
	04/17/71	15	Lewis & Clark	YD	Court	1/87	Shamrock Acres Group Home	P.O.	Shamrock Acres (Spokane)
									Court-ordered... Several in-state placement options were explored and utilized prior to court decision to place TJD (an adjudicated juvenile delinquent) out of state... The Montana programs and resources used with TJD included a regular foster care home (placement broke down), chemical dependency treatment (Shodair), adolescent day treatment (Mental Health), shelter care and a group home.

BCF83/cc

42

1/20/87 FK

A: NEW PLACEMENTS (FOR TREATMENT) DOCUMENTED SINCE THE 9/19/86 REPORT

NAME	PLACED AT	PLACEMENT DATE	ALL IN-STATE RESOURCES EXHAUSTED?	LEGAL STATUS	COURT-ORDERED?
1.	Excelsior Youth Center Spokane, Washington	10/15/86	Yes	YD ✓	Yes
2.	Shamrock Acres Spokane, Washington	1/1/87	Yes	YD ✓	Yes
3.	Griffith Center Golden, Colorado	12/31/86	Yes	YS ✓	Yes--Ordered to pay at their current rate
4.	Clayton College for Boys Denver, Colorado	12/15/86	Yes	PC S. 1.2	No--In-State resources were exhausted
5.	Colorado Christian Home Denver, Colorado	10/8/86	Yes	TP S. 2.2	No--In-State resources were exhausted
6.	Youth Behavior Program Evergreen, Colorado	11/3/86	Yes	PC 3.2	No--In-State resources were exhausted
7.	Colorado Christian Home Denver, Colorado	10/24/86	Yes	TP S. 2.3	No--In-State resources were exhausted
8.	Shamrock Acres Spokane, Washington	11/18/86	Yes	YS ✓	Yes
9.	Cleo Wallace Center Broomfield, Colorado	10/28/86	Yes	TP S. 2.3	Yes
10.	Griffith Center Golden, Colorado	12/5/86	Yes	YD ✓	Yes--Ordered to pay at our current rate
11.	Colorado Christian Home Denver, Colorado	12/3/86	Yes	TP ✓	No--In-State resources were exhausted
12.	Youth Behavior Program Evergreen, Colorado	1/1/87	Yes	PC 3.2	No--In-State resources were exhausted

#7
1/23/87
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Mona Torien

B: NEW PLACEMENTS AT HOME ON THE RANGE (GROUP HOME, NOT TREATMENT)

1. Placed 10/29/86. Left 12/18/86
2. Placed 10/12/86
3. Placed 8/13/86 (Documentation received after the 9/19/86 report)
4. Placed at Home on the Range for Boys for 16 days in August, 1986. No CSD-1 received
5. Placed at Home on the Range for Boys for 16 days in August, 1986. No CSD-1 received

C: CHILDREN/YOUTH WHOSE PLACEMENTS ENDED SINCE THE 9/19/86 REPORT

1. Left Colorado Christian Home 10/30/86
2. Left Forest Heights Lodge 10/18/86
3. Left Hennepin County Home School 10/20/86
4. Left Home on the Range for Boys 11/1/86
5. Left Vision Quest 10/28/86
6. Left Home on the Range for Boys 12/18/86

D: SUMMARY OF OUT-OF-STATE PLACEMENTS AS OF 1/14/87

- ... 38 Montana youth are currently in out-of-state residential treatment facilities
- ... 6 Montana youth are currently in an out-of-state group home placement (Home on the Range, in North Dakota)
- ... See Out-of-State Placements: Documentation as of 1/14/87 for further details concerning all children currently in out-of-state placements (children listed by state and facility)

FK:kb
1/15/87

Prepared 1/14/87 by:
Frank Kromkowski
Community Services Division/SRS

SOCIAL AND
REHABILITATION SERVICES

*Memo
General*

46.5.677 YOUTH FOSTER HOME, TRAINING REQUIRED (1) Unless a special exemption has been approved by the department the foster parent(s) shall attend an orientation session prior to licensure, and at least 15 hours of training annually for recalcitrance, provided or approved by the department and including training in the following topics:

- (a) separation and grieving;
- (b) alternatives to physical discipline and a definition of the department's policy on physical discipline;
- (c) department's and foster parents' roles and responsibilities;
- (d) biological family rights and responsibilities;
- (e) how and why children come into foster care;
- (f) types and behaviors of children in care;
- (g) placement process;
- (h) confidentiality;
- (i) sexual abuse;
- (j) drugs and alcohol; and
- (k) foster parent insurance. (History: Sec. 41-3-1103 and 53-4-111 MCA; IMP, Sec. 41-3-1103 and 53-4-113 MCA; NEW, 1983 MAR p. 1746, EFF. 11/16/83.)

Rules 78 through 89 reserved

46.5.690 PREPARATION OF PLACEMENT BUDGET (1) Within the limits of the appropriation, the department shall prepare placement budgets for each judicial district for the substitute care of youth in need of supervision or delinquent youth.

(2) The following method will be used to allocate placement budgets to each judicial district:

- (a) The youth court for each judicial district shall submit a proposed budget request on forms provided by the department no later than August 1, 1983, for fiscal year 1984 and May 15, in subsequent fiscal years.
- (b) The department will determine a percentage by the following formula:
 - (i) total expenditures during the previous fiscal year for substitute care of youth in need of supervision and delinquent youth placed pursuant to Youth Court Act, title 41, chapter 5, MCA, divided by the total expenditures by the department and the department of institutions for the previous fiscal year for substitute care for all children placed in substitute care.
 - (c) The department will multiply the percentage determined in subsection (b) by the foster care appropriation for the upcoming fiscal year to determine the monies available for youth placed in substitute care pursuant to the Youth Court Act.
 - (d) Based upon the total amount of monies available as determined by subsection (c), a budget will be prepared for each judicial district using the following considerations:

COMMUNITY SERVICES DIVISION 46.5.691
SERVICES FOR CHILDREN, FAMILIES AND ADULTS

#8
1/23/87
325

- (i) the proposed budget requested by the youth court;
- (ii) the total population of the judicial district;
- (iii) the total youth population of the judicial district;
- (iv) the total number and costs of placements in public facilities and out-of-home facilities;
- (v) trends in population, placements, and local economics.

(3) The placement budget for each judicial district shall be determined by the department each year prior to July 1 (with the exception of fiscal year 1984) and shall be sent by the department to the youth court judge, and the probation officer(s) for the district.

(4) The placement budget shall be prepared for the purposes of monitoring the expenditure of funds for substitute care for youth placements; payments for placements shall be made by the department in accordance with Section 41-3-104, MCA.

(5) The department shall be responsible for the actual payment of funds for substitute care. The department shall be responsible for monitoring the impact of youth court placements on the placement budget and shall advise the youth court judge and probation officers regularly about the status of the budget.

(6) The youth courts may negotiate with each other about the transfer of placement budget amounts. The department may change budgeted amounts depending upon availability of funds and requests from the youth courts. (History: Sec. 41-3-1103 MCA; IMP, Sec. 41-3-1103 and 41-3-1106 MCA; NEW, 1981 MAR p. 742, EFF. 7/1/83.)

46.5.691 INVESTIGATION OF FINANCIAL STATUS (1) An investigation of the financial status of the parents or guardianship assets of every child in substitute care shall be conducted by the county of responsibility for the purposes of determining the financial ability of the parents or the adequacy of the guardianship assets to pay the cost of supporting the child in a youth care facility.

- (a) Voluntary placement. If a child enters substitute care under a voluntary placement agreement executed by the parents or guardian, the assessment of financial ability and determination of amount of contribution shall be completed within 30 days of the child entering care.
- (b) Involuntary placement. If a child is placed in substitute care on an involuntary basis under an emergency informal adjustment or other court order an investigation of the financial status of the child's parents or the extent of guardianship assets shall be conducted pursuant to the order of the court and a written report including the financial assessment and determination of the recommended amount of parental contribution shall be filed with the court within the

EXHIBIT #9DATE 1/23/87HB 325

TABLE 1

Total Estimated Value of Office Space, Equipment, and Vehicles
in Youth Court Probation Offices in Montana, 1986

<u>CATEGORY</u>	<u>TOTAL</u>
Office Space *- 22,271.25 sq ft.	\$367,621.71
Furniture @	149,294.83
Office Equipment @	228,572.25
Vehicle/Mileage #-(state rate)	237,620.82
Other **	135,500.00

TOTAL	\$1,118,609.61

KEY: *-Estimated rental of current space for one year,
and estimated cost of utilities for one year.

@-Estimated value of non-consumable furniture or office equipment
being used.

#-Estimated value of vehicles used or annual mileage paid for use
of private vehicles.

** -Estimated value of items like Detention facilities and capital
items not listed above.

TABLE 2

List of Total Capital Equipment and Annual Value of Space and
Utilities provided for Youth Court Probation Services, by County

<u>COUNTY</u>	<u>TOTAL</u>	
Beaverhead	\$ 300.00	C
Big Horn	7,010.00	
Blaine	7,550.00	
Carbon	4,260.00	
Carter	188.00	V C
Cascade	34,900.00	
Choteau	6,600.00	V C
Custer	12,697.00	
Daniels	6,827.21	V C
Dawson	17,905.04	V
Deer Lodge	17,995.00	
Fallon	1,102.86	V C
Fergus	20,334.95	C
Flathead	410,420.00	*
Gallatin	52,450.00	
Garfield	188.00	V C
Glacier	28,538.00	V C #
Golden Valley	605.01	V
Granite	5,800.00	
Hill	18,180.00	C

*-includes new building 1984-\$160,000 and \$123,500 of the Other
category for Detention Facilities.

#-includes all District #9 vehicle/mileage (continued)

TABLE 2-continued

COUNTY	TOTAL		
Jefferson	\$ 22,360.00	@	V=shared vehicle
Judith Basin	945.00	V C	C=shared clerical
Lake	24,619.00		
Lewis & Clark	21,395.00		
Liberty	600.00	V C	
Lincoln	24,473.91		
McCone	152.94	V	
Meagher	1,465.59	V	
Mineral	735.00		
Missoula	37,646.00		
Mussellshell	39,029.54		
Park	12,135.00		
Petroleum	252.00	V C	
Phillips	2,200.00		
Pondera	1,254.88	V C	
Powder River	493.00	V C	
Powell	5,200.00		
Prairie	308.71	V	
Ravalli	29,201.40		
Richland	7,326.17	V	
Roosevelt	39,570.00	V C	
Rosebud	3,701.02	V C	
Sanders	11,291.00		
Silverbow	42,100.00		
Stillwater	4,010.00		
Teton	1,254.88	V C	
Toole	3,709.00	V C	
Treasure	188.00	V C	
Valley	11,400.00		
Wheatland	647.85	V	
Wibaux	293.65	V	
Yellowstone	114,800.00		
TOTAL	\$1,118,609.61		

@-includes \$12,000 unspecified Other

Survey of County Commissioners

A second survey was sent to the County Commissioners in all the counties reporting capital equipment and office equipment currently provided. The Commissioners were asked to give their preferences for action regarding the capital equipment and space should the new state department incorporate Youth Court Probation services (see Appendix B).

A total of 37 surveys were sent out to counties which had reported capital expenditures other than mileage.

We have received responses from the following 19 counties: Blaine, Daniels, Dawson, Deer Lodge, Fergus, Gallatin, Hill, Jefferson, Lincoln, Missoula, Park, Powell, Prairie, Ravalli, Richland, Roosevelt, Stillwater, Valley, and Yellowstone.

Table 3 shows the breakdown of the responses:

TABLE 3
Commissioners' Preferences for Action Regarding Capital Equipment,
1986

Office Space -including utilities

- 12 - Rent (est. value \$58,086.)
- 3 - Require the new dept. to find new space (est. value \$24,165.)
- 1 - Sell to the new dept. (est. value \$28,500.00)
- 1 - N/A
- 1 - no change

Furniture

- 7 - Rent (est. value \$22,662.)
- 4 - Sell to the new dept (est. value \$45,840.)
- 3 - Require the new dept. to buy their own (est. value \$9393.)
- 2 - N/A
- 1 - Provide free to new dept. while retaining ownership
- 1 - no change

Office Equipment

- 5 - Sell to the new dept. (est. value \$53,070.)
- 5 - Rent to the new dept. (est. value \$10,400. + shared)
- 3 - Require new dept to buy their own (est. value \$19,982)
- 3 - N/A
- 1 - Provide free to the new dept. retaining ownership.
- 1 - no change

Vehicle

- 7 - N/A
- 6 - Sell to the new dept. (est. value \$36,185.00)
- 2 - Rent to the new dept. (est. value \$19,529.00)
- 1 - Require new dept. to buy their own. (est. value \$10,000)
- 1 - Transfer to new dept. (currently lease @ \$5,000/yr)
- 1 - no change

Totals equal 18 as Missoula County only provided comment.

ADMINISTERING JUVENILE PROBATION

THE EXECUTIVE BRANCH
OR
THE JUDICIAL BRANCH ?

WHAT ABOUT OTHER STATES?

The administration of juvenile probation in the United States varies enough to suggest that there is no preferred means of organizing this service. TWENTY THREE STATES CURRENTLY ADMINISTER PROBATION THROUGH AN EXECUTIVE BRANCH AGENCY, WHILE THE JUDICIAL BRANCH HANDLES IT IN THE OTHER TWENTY SEVEN STATES. From state to state Juvenile Probation is administered by various agencies including:

- Local Courts
- State Office of Courts
- The Department of Human Services, or Corrections at the state level
- Executive Branch of County Government

While these represent the primary administrative vehicles there are endless variations. There are states like Texas that have attempted to develop this service by having it locally administered and state subsidized. In rural states, with one population center, the pattern is more likely to be one of state administered services in rural communities and local administration services in the more populated areas. Oklahoma has a system where services are locally administered in Oklahoma City and Tulsa; the remainder of the state probation services are handled by the State Department of Institutions and Rehabilitation Services.

WHICH IS BEST?

There has not been a definitive study to determine which of these organizational schemes is most effective.

WHAT DO EXPERTS SAY?

In the last decade there have been several major efforts to develop standards for guiding the administration of youth services. However, these studies seem to have no more wisdom to offer on this subject than state legislators. The American Bar Association/Institute for Judicial Administration Standards, and the National Advisory Committee on Juvenile Justice do not make specific recommendations, but rather leave the judicial or executive administration of probation a state option.

WHAT ARE THE FACTORS THAT INFLUENCE PERFORMANCE?

It appears from looking at other states that the performance of juvenile probation has less to do with which governmental unit is administering the service and more to do with the power, money and interest of the responsible governmental unit.

EXHIBIT # 11
DATE 1/23/87
HB 325

January 23, 1987

TO: Joint Human Services Appropriation Sub Committee
and State Administration Committee

FROM: Louise J. Salo *Louise J. Salo*
Chairman, Governor's Advisory Council on Aging

SUBJECT: HB 325

The Governor's Advisory Council on Aging had some concerns about where Aging would fit into the proposed new Department of Family Services. After explanations and discussions with Gene Huntington, the Director of the proposed new Department, the Council agreed that we have no problems with the suggested change. We feel Aging Services will not suffer - maybe we may even see some gains.

EXTENDED FAMILY SERVICES

Sponsoring

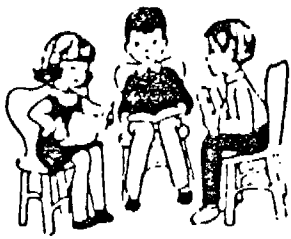
Jack & Jill Nursery & Kindergarten

Watson's Receiving Home

1330 South 4th West

Missoula, Montana 59801

January 19, 1987



Janice Watson, Director

EXHIBIT #12

DATE 1/23/87 (406) 549-0058

HB 325

Representative Sales
Chairman of the Administrative Committee
Helena, Montana 59601

Dear Representative Sales,

As a person who has worked 29 years with children especially abused/neglected I urge you and the committee to establish a Department Of Family Services.

In a state that has a department to protect wild life, it is my opinion that a department for the protection of children in families is long over due.

Sincerely yours,

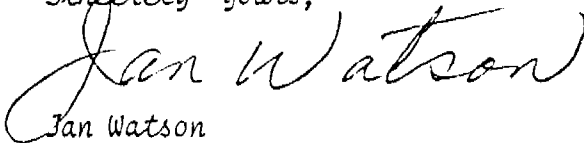

Jan Watson



EXHIBIT #13
DATE 1/23/87
RE 325

January 20, 1987

The Honorable Walter Sales
House of Representatives
Helena, MT 59601

Dear Mr. Sales:

As Director of Discovery House, I ask your support of the single Youth Services Agency.

Discovery House is the only short-term facility for youth in need of care and/or supervision for six counties in Southwestern Montana.

Over the past 12 years, we have been caught between the Department of Social and Rehabilitation Services and the Department of Institutions. We have the care of youth from both departments.

It is time we look at youth services as a whole and base our services on the unique needs of the child rather than several sets of inflexible criteria and labels.

Again, as Director of Discovery House, I ask your support of "THE SINGLE YOUTH SERVICES AGENCY".

Respectfully yours,

Sister Gilmary Vaughan

Sister Gilmary Vaughan
Director-Discovery House

SGV:jrg

EXHIBIT E14
DATE 1/23/87
HB 325

Amendment to HB 325

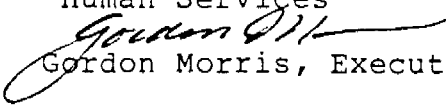
1. Page 2, line 25:
Following line 24:
Insert: "(15) adopt rules necessary to carry out the purposes of Title 41,
chapter 5 as transferred to the department of family services [in
section 14] ."

*per
proposed
technical
amendment*

MONTANA
ASSOCIATION OF
COUNTIES

1802 11th Avenue
Helena, Montana 59601
(406) 442-5209

January 24, 1987

TO: Rep. Walt Sales, Chair, State Administration
Rep. Cal Winslow, Chair, Appropriations Subcommittee on
Human Services
FROM:  Gordon Morris, Executive Director
RE: HB 325 (Mercer) - Department of Family Services

I have had sufficient opportunity to review HB 325 and to obtain limited comment from County Commissioners from across the state. I wish to therefore submit the following comments for consideration.

The Montana Association of Counties is supportive of the Task Force Recommendations. MACo has had the opportunity to actually participate in the development of the recommendations. We concur in the conclusions that call for reorganization of Youth Services. Further, we hope that progress will be made cautiously and cooperatively as the State, the Department and Counties move into the implementation phase following favorable legislative action.

On behalf of the Association I would like to offer the following observations, suggestions, and in some cases recommendations for amending the bill you now have before you.

(1) Counties obviously have concerns in regard to overall finances. The bill should make reference to the need to conform with county budget law. It might also be advisable to consider temporary and special authority to deal with unforeseen, and hence unanticipated, expenses in the transition period.

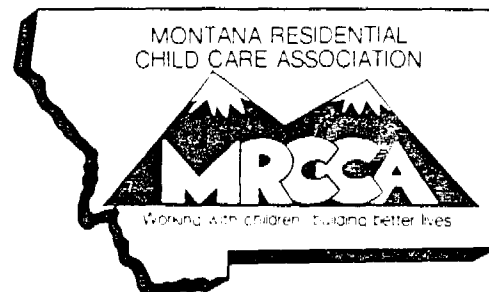
(2) Beginning on Page 42, Section 37 and through Page 47, Section 40, we find proposed revisions in current law dealing with legal duties in regard to providing protective services. A question arises in regard to the repetitive reference found beginning on Page 43, line 4:

"The county attorney, attorney general, or an attorney hired by the county. . ."

It occurs to me that the county attorney does, and will continue to have, an obligation to provide legal services in regard to all aspects of youth protective services. However, it

MACo

P.O. Box 266
Helena, Montana 59624
Ry Sorensen, MRCCA President
1732 So. 72nd St. West
Billings, MT 59106



January 20, 1987

Rep. Walter Sales
Montana State House of Representatives
State Administration Committee
State Capitol
Helena, Montana 59604

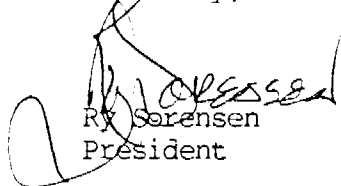
Dear Representative Sales:

The Montana Residential Child Care Association supports the establishment of a Department of Family Services in Montana. We applaud the Governor's desire to focus on the very special needs of youngsters and families.

We know the legislature has always been concerned with the plight of troubled young people and believe a new department will allow that interest to be invested directly and positively. The current system of Youth Services is fragmented and ineffective with resources and responsibility scattered among many state departments and between many levels of government. This plan is simply critical in merging authority and responsibility. Such a merger should insure that needs are addressed or that a responsible party can be found to be held accountable for that failure. The need to put Institutions and Community Services together is essential if we are to be flexible enough to address the specific needs of a child in any of our communities. There is no question that our system, like so many others, could use more resources. However, this reorganization will allow us to be more effective in the use of whatever resources we have.

We hope you can join us in support of this reorganization and act in your position to make the plan a reality.

Sincerely,


Ry Sorensen
President

RS/lb

Southeastern Montana Group Home, Inc.

P.O. Box 549
MILES CITY, MONTANA 59301

January 20, 1987

Walter Sales, Chairman
State Administration Committee
State Capitol
Helena, Montana 59601

Mr. Sales,

I am writing in support of the establishment of the Department of Family Services. I have been involved with the "system" of youth services for fifteen years, first as a SW at Pine Hills School, next as a Protective Services worker for SRS and currently as a Director of a group home for adolescents. In all aspects of my career I have seen youth getting lost between agencies and agencies referring to each other with no results. Each time a youth moves from one agency to another they begin over again. This is not only costly and time consuming but also delays the provision of the appropriate service. For example:

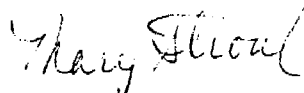
Cindy's behavior became increasingly self-destructive and promiscuous for a period of two years with brief involvements with various agencies. She was finally committed to the Department of Institutions.

Christine, aged 15, was jailed five times in the last two months for intoxication and is currently involved with no agency.

Brian was placed when age 14 for six months and then returned home with no follow-up as he was no longer on probation. By the age of 16 he had committed suicide.

The lives of the youth we deal with are already very chaotic. The current situation merely adds to this chaos.

Sincerely,

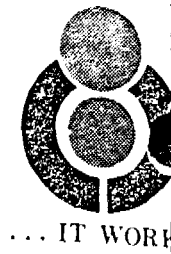


Mary Strouf,
Administrator

cc: Committee members

221 Highway 93 South
Ronan, Montana 59864

BIG BROTHERS/BIG SISTERS
of Lake County, Inc.
406/676-0288



January 19, 1987

Walt Sales, Chairman
Administration Committee
State Capital
Helena, Montana 59601

Dear Mr. Sales:

I'm writing to ask your support of the Governor's Department Of Family Services. This Department will be a great improvement to the Youth of Montana.

Sincerely,

Mary

Mary O'Stein, Chairperson
Big Brothers/Big Sisters Of Lake County

the FOLKSHOP

21 HIGHWAY 93 SOUTH, RONAN, MT. 59864 (406) 676-5333



January 19, 1987

Walt Sales, Chairman
Administration Committee
State Capital
Helena, Montana 59601

Dear Mr. Sales:

I'm writing to urge your committee to support the Department Of Family Services as recommended by the Governor. Coordinating the services to youth in Montana is long overdue.

Sincerely,

Norma

Norma Granley, Chairperson
The Folkshop, Inc.

Natural Foods - Recycling - Bicycle Shop - Firewood - Gift Shop - Greenhouse

A NON - PROFIT ORGANIZATION HIRING THE HANDICAPPED



JANUARY 20, 1987

Walt Sales, Chairman
Administration Committee
State Capital
Helena, Montana 59601

Dear Mr. Sales:

I'm writing to urge your committee's support of the Department Of Family Services. The Youth of Montana can only benefit by coordinating efforts on their behalf. This department will be a great improvement.

Sincerely,

Judy Doyle, Chairperson
Lake County Youth Guidance Home



Gallatin-Park County Youth Guidance, Inc.

Houseparent
Doug Stiner

8932 South 19th, P.O. Box 1403
Bozeman, Montana 59715
(406) 587-2481

Director
Norene Corne'
406/586-9340

January 21, 1987

Steve Waldron
Lobbyist for Montana Residential
Child Care Association
512 Logan
Helena, MT 59601

Dear Mr. Waldron:

As Director of the Gallatin-Park County Youth Guidance home in Bozeman, I am very interested in the Department of Family Services bill that Governor Schwinden is proposing.

Having worked in the youth services for the past seven years, I can see the value of only one department coordinating services that are in the best interests of the youth.

In the past I have been involved in cases where needs have not been met because too many agencies were involved. The new department would have accountability, responsibility, money and authority in one place. I feel this is very necessary for ongoing quality care.

I am a board member of Montana Residential Child Care Association, and, as a board, we are recommending, and see the value of, the proposed Department of Family Services bill.

I will be happy to answer any questions in regard to my involvement in working with youth and families.

Sincerely,

Norene Corne', Director
Gallatin-Park County Youth Guidance, Inc.

NC:he





Deaconess Home

Intermountain Deaconess Home for Children

P.O. BOX 4455
HELENA, MONTANA 59604
PHONE 406/442-7920

ROBERT O. WIX
Director of Resource Development
JOHN H. WILKINSON
Administrator

BOARD OF TRUSTEES

DON HARRIOTT
PRESIDENT,
Helena
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TREASURER,
Gallatin Gateway
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Bozeman
DAN WANDERS
Helena
LYNN WORDAL
Great Falls

EX-OFFICIO
ALLEN ADAMS
Great Falls
JOHN SCHAEFFER
Billings
PHILIP H. YOUNG
Billings

January 22, 1987

Representative Walter Sales, Chairman
State Administration Committee
Montana House of Representatives
Helena, Montana 59601

Dear Representative Sales:

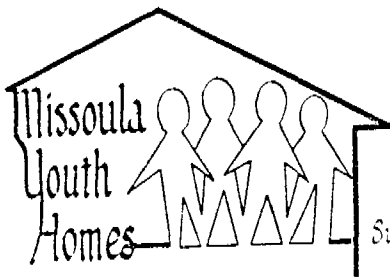
You will be considering the Governor's proposed new Department of Family Services (HB 325) on Friday 1/23/87. I hope you will give the bill favorable consideration. I believe this is the direction needed for youth services in Montana.

Thank you.

Very truly yours,

Joan Rebich, MS, LPS
Director of Social Services

JR/rmh



Attention Home
Tom Roy Group Home
Susan Talbot Care Center

517 OWEN STREET
POST OFFICE BOX 7616
MISSOULA, MONTANA 59807
TELEPHONE: (406) 721-2704

January 20, 1987

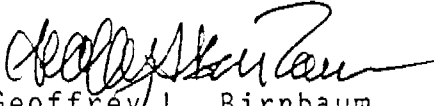
Mr. Walter Sales, Representative
Montana House of Representatives
Chairman, State Administration Committee
State Capitol
Helena, MT 59604

Dear Representative Sales:

I am Executive Director of Missoula Youth Homes, a residential child care program for troubled youth. We contract with the State Department of Social & Rehabilitation Services in work with local Social Services and Youth Court Probation. I and the Youth Homes are members of the Montana Residential Child Care Association. I am Vice President of our State Association and was its representative on the Governor's Advisory Council for Youth Services Reorganization.

I am writing to express my support for the establishment of the new Department of Family Services. I truly believe in the need for organizational change and a consolidated look at the needs of young people in the State of Montana. I am convinced such reorganization can be done for the current cost of administration and possibly at a savings that would allow more services to reach the child. The youth of this state deserve the focus of a State Department.

Sincerely,


Geoffrey L. Birnbaum
Executive Director

**REPORT TO THE GOVERNOR
FROM THE
COUNCIL ON REORGANIZATION
OF YOUTH SERVICES**

September 17, 1986

VISITORS' REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO. 305DATE Jan. 23, 1987SPONSOR Messer

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
GEOFF BIRNBAUM	MISSOURI YOUTH HOMES	X	
CORT HARRINGTON	Self	X as amended	
FLOYD MATHIASON	YOUTH COURT	as amended	
Dave Bennett	Aftercare	✓	
Karen Northey	Crittendon Home	✓	
Bill Strizich	H.D.-41	✓ amended	
Carroll South	DAF I	✓	
Mary Blake	SRS-Council	✓	
Opie McGrath	M. H. Assa gmt	✓	
Cris Volinkaty	DD		
Steve Nelson	Bd. of Crime Cont	X	
John Wilkinson	Dezouress Home	X	
Harold Hansen	Gov's commission	A	
Jacky Wising	" "	X	
Charles Butts	Governor's office	X	
Norma Corne	MRCCA / Bosman Group Home	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO. 325DATE Jan. 23, 1987SPONSOR Messer

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
<i>Phil Murphy</i>	Mental Health Assoc MA	✓	
Gene Huntington	Governor's Office	✓	
DEE CRANMER	PARENTS	✓	
RON BROWN	SRS	—	—
— Tim Smith	HRDC/MAR		0
Steve Walcott	MACCA	X	
Diane Lewis	SRS	✓	
David Depina	Youth Court	✓	✓
John			
Dick Meeker -	Youth Court	✓	
MONA SAMISON	Prob. Officers Assn.	✓	as amended
John Dunham	Youth Court	✓	as amended
Craig Anderson	Youth Court	✓	as amended
Rene Wheeler	Services to dev. disabled		
Kurt Muel	Youth Court	AS amended	
Jerry Lepore	Ex Falls Public Sch	—	
Jan Shaw	MACCA/Youth Resources	✓	
Jan Leuch	E.D. Committee	✓	
Gauni Salo	Gov Adv Council Aging		

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

DISPOSITION OF HOUSE BILL NO. 447: Rep. Fritz moved DO NOT PASS, seconded by Rep. Stratford. Rep. Roth stated the bill should go to the floor because it involves an issue to be submitted to the voters. Rep. Fritz stated the bill does not have applicability to the Montana State Legislature. Motion carried 14-2, Reps. Roth and Campbell voting no.

DISPOSITION OF HOUSE BILL NO. 498: Rep. Fritz moved DO NOT PASS, seconded by Rep. Stratford. Motion carried 15-1, Rep. Roth voting no.

DISPOSITION OF HOUSE JOINT RESOLUTION NO. 12: Rep. Campbell moved DO NOT PASS, seconded by Rep. Stratford. Motion carried 14-2, Reps. Sales and Roth voting no.

DISPOSITION OF HOUSE BILL NO. 325: Rep. O'Connell moved DO PASS on the Huntington-Jamison amendments (Exhibit #9), seconded by Rep. Compton. Rep. Whalen stated that one of the problems he has with the amendments is that after the committee process, in the final analysis the new department maintains complete control over the disposition of a child. The committee process can be completely ignored if the new department chooses to do so. Mona Jamison replied that "yes", the final decision does rest with the new department, but the committee has the opportunity to make the first recommendation to the department. If the new department does not like the recommendation, it goes back to the committee for a second recommendation. If the department does not like the committee's second recommendation, then the department will make the final decision. However, politically and practically, by rejecting two recommendations, the department is going to have to have some real legitimate reasons to veto two recommendations from a committee comprised of agencies and individuals who work with and for the best interests of the child on a daily basis. Rep. Whalen asked Mona Jamison if there is anything in the amendments that requires the department to state the reasons for its rejection of the committee's recommendation after a first or second refusal. Mona Jamison replied that the department has to state their reasons in writing for the rejections. Rep. Holliday asked Mona Jamison if she was aware of MACO's position on the amendments, and she replied "no". The motion on the amendments passed unanimously.

Rep. Nelson moved DO PASS AS AMENDED with Statement of Intent, seconded by Rep. Hayne. The motion carried 12-4, Reps. Sales, Whalen, Stratford and Compton voting no.

DISPOSITION OF HOUSE BILL NO. 427: Rep. Fritz moved DO PASS, seconded by Rep. O'Connell. The motion carried unanimously.

DISPOSITION OF HOUSE BILL NO. 306: Rep. Jenkins moved DO NOT PASS, seconded by Rep. Compton. Motion carried 10-6, Reps. O'Connell, Whalen, Stratford, DeMars, Moore and Pistoria voting no.

DAILY ROLL CALL

State Administration

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Feb. 6, 1987

NAME	PRESENT	ABSENT	EXCUSED
Walt Sales	✓		
John Phillips	✓		
Bud Campbell	✓		
Dorothy Cody			
Duane Compton	✓		
Gene DeMars	✓		
Harry Fritz	✓		
Harriet Hayne	✓		
Gay Holliday	✓		
Loren Jenkins	✓		
Janet Moore	✓		
Richard Nelson	✓		
Helen O'Connell	✓		
Mary Lou Peterson			
Paul Pistoria	✓		
Rande Roth	✓		
Tonia Stratford	✓		
Timothy Whalen	✓		

injury to buy back up to two years service in the retirement system.

PROPONENTS: David Senn, Administrator Teachers' Retirement Division, stated the cost of the bill will be shared by the employee and the employer. There are a small number of people affected by the bill. He submitted written testimony (Exhibit #4).

Eric Feaver, President, Montana Education Association, said he supports the bill. It will not bankrupt the retirement system. No one individual will be able to be eligible to buy back more than two years of service under this provision.

OPPONENTS: None

DISCUSSION OF HOUSE BILL NO. 244: None

Rep. Peterson closed by saying that for the injured person, the provisions of the bill are an important part of the retirement plan.

The committee recessed at 10:10 a.m. and reconvened for executive action at 10:20 a.m.

DISPOSITION OF HOUSE BILL NO. 244: Rep. Peterson moved DO PASS, seconded by Rep. Roth. Motion passed 16-1, Rep. Cody voting no.

DISPOSITION OF HOUSE BILL NO. 238: Rep. Pistoria moved DO PASS, seconded by Rep. Sales. Rep. Nelson offered a substitute motion to TABLE the bill until Tuesday, February 3, 1987. The motion was seconded by Rep. Cody and passed on a vote of 12-5, Reps. Fritz, Roth, Campbell, Jenkins and Pistoria voting no.

DISPOSITION OF HOUSE BILL NO. 239: Rep. Peterson moved DO PASS, seconded by Rep. Cody. Rep. Phillips moved the sponsor amendment (to delete "wholly" on page 9, line 5), seconded by Rep. Whalen. The motion carried 16-1, Rep. Fritz voting no. At the researcher's suggestion, Rep. Fritz moved to strike on lines 6 and 7, page 5 "stations marked on ground" because the catch line is inconsistent. Rep. Campbell seconded the motion which passed unanimously. Rep. O'Connell made a motion to DO PASS AS AMENDED, seconded by Rep. Pistoria. The vote was unanimous.

DISPOSITION OF HOUSE BILL NO. 259: Rep. Roth moved DO PASS, seconded by Rep. O'Connell. Motion carried unanimously.

DISPOSITION OF HOUSE BILL NO. 325: Rep. Fritz moved the amendments submitted by Gene Huntington in response to MACO's concerns on pages 61 and 62 DO PASS (Exhibit #5), seconded by Rep. Phillips. Motion carried

unanimously. Rep. Fritz moved Gene Huntington's amendments on pages 15 and 55 (Exhibit #6) DO PASS, seconded by Rep. Holliday. Motion carried unanimously. Rep. Stratford moved DO PASS on her amendment (Exhibit #7), seconded by Rep. Fritz. The motion carried unanimously. Rep. Holliday moved DO PASS on Gene Huntington's amendments on pages 43, 45, 46 and 47 (Exhibit #8), seconded by Rep. Compton. The motion carried unanimously.

Rep. Whalen moved to revise Mona Jamison's amendment (Exhibit #9) in three places, seconded by Rep. O'Connell: 1) in the middle of the first page, change "quarterly" to "monthly"; 2) under subsection 2 of 41-3-1113, after "80%", strike "or more" and then after "been", strike "expended" and insert "obligated" so it would read: "If 80% of the budget provided for in 41-3-1106 has been obligated, the youth court may not make any further placements..."

Rep. Whalen explained that the purpose of the amendment proposed by Mona Jamison is to retain the youth court jurisdiction over disposition of children after they are in the system. He felt the bill should not transfer that function over to the new department because matters other than the best interests of the children will be brought to bear on the decisions concerning disposition of the children. In making those decisions, Rep. Whalen feels it is best left to an independent, impartial judge who can look at the people that are advocating on both sides of the issue, on behalf of the children, and on behalf of SRS. He feels if that function is transferred to the Department of Social & Rehabilitation Services, it will be analagous to having a criminal case in which you try somebody for murder. If he is found guilty by the jury, instead of the judge sentencing him, you have the correctional institution sentence him. If there's space available in the prison, he may be sentenced to a prison term. If there is no space, he may not receive any prison sentence. Decisions on how the children should be cared for should not be made by people who are in a department that have other things they have to be concerned about other than disposition of the children.

Mona Jamison said she totally supported the three revisions to the amendment proposed by Rep. Whalen.

Gene Huntington felt Rep. Whalen's amendments were "a step backward". The three revisions to the amendment were unanimously adopted. Rep. Whalen moved DO PASS on the Jamison amendment as revised; Rep. O'Connell seconded.

Rep. Pistoria said he did not want to act on the amended amendments today. He expressed concern about taking jurisdiction away from the judges. He has doubts about how the new department is really going to be administered and controlled.

Rep. O'Connell said that when she first saw the bill, she liked it and its content but never realized just what was involved. She spoke to her local judge, and he told her the legislature is moving in too much haste on this issue. She suggested TABLING the bill until all those that are involved throughout the state have some idea about what is going on. With all the calls and letters she has received, she had to sit back and realize she is here as a representative of the people and the people out there have no idea of what is going on and it's important that they do.

Rep. Peterson said she totally agrees with Rep. O'Connell. Perhaps not enough time has been taken. She, too, has had calls from people involved saying "What's going on?" and "What are you trying to ram down our throats?" She suggested postponing the decision and doing a 2-year study.

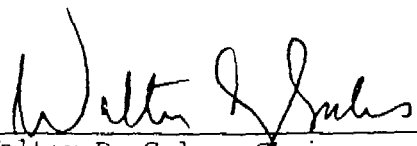
Rep. Fritz stated his opposition to the amendment and suggested Rep. Mercer respond to the proposed amendments. Rep. Mercer said he has several problems with the 80% amendment. One is that probation officers are excluded from the system. It's unfortunate to exclude someone from a system if you're trying to comprehensively deal with an issue. If you're going to make a political compromise, there ought to be some sense to it, and what sense does an 80% plan make? I don't think it makes any sense because if it's as high as 80%, then you've essentially lost your whole budget because they can spend up to 80% before the state has anything to say about it. If the reason you're leaving that authority with the probation officers is because you think they'll do the right thing by the kids, why are you allowing them to do the right thing for 80% of the kids and the wrong things for the 20% remaining? The only responsible action by this committee is to do the same thing the advisory council did and that's "bite the bullet" on the probation officers and include them in the system. They are still going to be making these decisions but having them in the system would just put them in the same line of command as everybody else.

On a roll call vote, the DO PASS motion on the Jamison amendments with the three revisions FAILED 7-11.

Rep. O'Connell moved to TABLE the bill, seconded by Rep. Pistoria. On a roll call vote, this motion FAILED 7-11.

Rep. Fritz moved DO PASS AS AMENDED with the statement of intent attached, seconded by Rep. Roth. The motion FAILED 8-10 on a roll call vote. The vote was reversed. The bill received a DO NOT PASS AS AMENDED (10-8).

ADJOURNMENT: There being no further business to come before the committee, the hearing adjourned at 12:00 noon.


Walter R. Sales, Chairman

DAILY ROLL CALL

State Administration

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Jan. 28, 1987

NAME	PRESENT	ABSENT	EXCUSED
Walt Sales	✓		
John Phillips	✓		
Bud Campbell	✓		
Dorothy Cody	✓		
Duane Compton	✓		
Gene DeMars	✓		
Harry Fritz	✓		
Harriet Hayne	✓		
Gay Holliday	✓		
Loren Jenkins	✓		
Janet Moore	✓		
Richard Nelson	✓		
Helen O'Connell	✓		
Mary Lou Peterson	✓		
Paul Pistoria	✓		
Rande Roth	✓		
Tonia Stratford	✓		
Timothy Whalen	✓		

Amendment to HB 325 (Introduced bill)

at the request of Gene Huntington, in response to Montana
Association of Counties

1. Page 61, line 14.
Following: "shall"
Strike: "annually"
Insert: "monthly"
2. Page 62, line 2.
Following: "county's"
Strike: "payment"
Insert: "obligation"
3. Page 62, lines 5 and 6.
Following: "due" on line 5
Strike: the remainder of line 5 through "year" on line 6
Insert: "monthly"

The purpose of this amendment is to provide for monthly payments for counties instead of two payments per year. This will avoid cash flow problems for the counties.

Amendments to HB 325 (Introduced bill)

1/27/87

Proposed by Gene Huntington

1. Page 15

Following: line 13

Insert: "NEW SECTION: Section 16. County contribution for salaries and travel of protective services employees.

(1) Upon the transfer of certain functions of the county welfare department to the department of family services as provided in section 12, the salaries and travel expenses as provided in 2-18-502 and 2-18-503 of protective services employees shall be paid by the department of family services. The county commissioners shall reimburse the department of family services from county poor funds in an amount equal to that county's expenditures for salaries and travel expenses of protective services employees in fiscal year 1987.

(2) On or before the 20th day of the month following the month for which the payments were made for protective services employees' salaries and travel, the department of family services shall present to the county commissioners a claim for the required reimbursements. The county commissioners shall make such reimbursements within 20 after the presentation of the claim."

Renumber: subsequent sections

2. Page 55.

Following: line 7

Insert: "(3) The county shall reimburse the department for one-half of the payments not reimbursed to the department by the federal government until the county expenditures reach a level equal to the county's level of expenditures for foster care in fiscal year 1987. When a county's level of expenditure for any year reaches the level of expenditure for foster care in fiscal year 1987, the county shall reimburse the department for one quarter of the payments above the fiscal year 1987 expenditure level."

Renumber: subsequent sections

The purpose of these amendments are to include current practice for county reimbursement for protective services (#1) and to include in statute the reduced county matching rate for foster care set forth in the budget in Appropriations.

EXHIBIT # 7
DATE 1/28/87
HB 325

Amendment to HB 325 (Introduced bill)

1. Page 55.
Following: line 7
Insert: "(4) If a county's level of expenditure for foster care in fiscal year 1987 is \$10,000 or less, the county's level of expenditure for purposes of determining the county's percentage of reimbursement set forth above shall be the level of expenditures for fiscal year 1987 or the average of expenditures for fiscal years 1984 through 1987, whichever is lower."

Amendment to HB 325 (Introduced bill)

1/27/87

at the request of Gene Huntington, in response to Montana
Association of Counties

1. Page 43, line 5.
Following: "~~services~~"
Insert: "welfare department or office of human services"
2. Page 43, line 8.
Following: "~~services~~"
Insert: "welfare department or office of human services"
3. Page 45, line 25.
Following: "~~services~~"
Insert: "welfare department or office of human services"
4. Page 46, lines 10 and 11.
Following: "general," on line 10
Insert: the remainder of line 10 through "the" on line 11
5. Page 46, line 12.
Following: "~~attorney~~"
Insert: "welfare department attorney, or office of human
services attorney"
6. Page 47, line 3.
Following: "~~services~~"
Insert: "welfare department or office of human services"

The purpose of this amendment is to return the statute to its original form, so that the expenditures for the hiring of additional legal assistance for the county attorney can be paid from the county poor fund instead of general fund.

PROPOSED AMENDMENTS TO HB 325, INTRODUCED COPY.

Delete all amendments to section 41-3-1114 in section 45 of the bill. Delete the repeal of 41-3-1106, 41-3-1113, and 41-3-1121 and amend those sections and 41-3-1114 as follows. Then amend the remainder of the act to take the youth court and its probation officers out of the act and maintain the status quo of current law.

41-3-1106. Allocation of money to judicial districts -- transfers between budgets -- reports. (1) The department shall allocate placement budgets, based upon historical placement patterns and current placement trends, to the judicial districts for the substitute care of youth in need of supervision or delinquent youth. The budget must be for a fiscal year beginning July 1 and must be determined by the department prior to July 1. The department shall send a written copy of each judicial district's budget to the district's youth court and chief youth court probation officer. The department must monitor each district's budget expenditures and submit to the youth court and its chief probation officer ~~quarterly~~ reports stating the ^① beginning budget amount for the fiscal year and the percent spent as of the end of the quarter. The youth court judge or judges and chief probation officer must, upon receipt of a quarterly report, meet and examine the report and determine whether the rate of budget expenditures makes it advisable to consider changing the youth court's placement decision policies in order to remain within the budget. MONTALY

(2) If the department determines that the balance in a district's budget is or may be insufficient to adequately fund the youth court's and department's substitute youth care placements under this part for the remainder of the fiscal year, the department may transfer to the district's budget account

funds in the budget account of a district that the department determines will or may end the fiscal year with a surplus in the budget account.

(2) (3) The placement budgets may be monitored by a youth court committee as provided for in 41-5-105 or a foster care review committee as provided for in 41-3-1115.

41-3-1113. Authority of judge to commit youth. A (1) Except as provided in subsection (2), a youth court judge may in his discretion place a delinquent youth or a youth in need of supervision in a youth care facility for any period of time up to the child's 21st birthday, subject to the approval of the facility's sponsoring nonprofit corporation or association.

(2) If 80% ⁽⁴⁾ ~~or more~~ of the budget provided for in 41-3-1106 has been expended the youth court may not make any further placements for the remainder of the fiscal year and the department shall, after considering the youth court's placement recommendations, place all youths that the court determines must be placed.

③
OBLIGATED

41-3-1114. Continuing jurisdiction of youth court. The youth court ~~placing a delinquent youth or a child in need of supervision in a youth care facility~~ retains continuing jurisdiction over the a youth placed under this part until the youth becomes 21 years of age or is otherwise discharged by order of the court.

41-3-1121. Foster care payments for youth court placements.
(1) The youth court may establish procedures for finding, maintaining, and administering substitute care and foster homes approved by the court for youth within the provisions of this part.

(2) Pursuant to 41-3-1112, the department shall make a foster care payment for a child placed by the youth court or the department if:

(a) the child is placed in a youth care facility licensed by the department or by an appropriate licensing authority from another state;

(b) the youth court, with respect to placements made by it, enters into an agreement according to federal regulations with the department for the placement of children;

(c) the placement of the child is reviewed as required by 41-3-1115; and

(d) the youth court retains supervision of the child in placement.

DLC1645/JM/JM1

To Table

ROLL CALL VOTE

State Administration

COMMITTEE

DATE _____ BILL NO. 325 NUMBER _____

NAME	AYE	NAY
Walt Sales		✓
John Phillips		✓
Bud Campbell	✓	
Dorothy Cody		✓
Duane Compton		✓
Gene DeMars	✓	
Harry Fritz		✓
Harriet Hayne		✓
Gay Holliday		✓
Loren Jenkins		✓
Janet Moore		✓
Richard Nelson	✓	
Helen O'Connell	✓	
Mary Lou Peterson	✓	
Paul Pistoria	✓	
Rande Roth		✓
Tonia Stratford		✓
Timothy Whalen	✓	

TALLY

7 4

Secretary

Chairman

MOTION: _____

*Do Pass on Whalen's
Amendment*

ROLL CALL VOTE

State Administration

COMMITTEE

DATE 1/28/87

BILL NO. 325

NUMBER _____

NAME	AYE	NAY
Walt Sales		✓
John Phillips		✓
Bud Campbell		✓
Dorothy Cody	✓	
Duane Compton		✓
Gene DeMars	✓	
Harry Fritz		✓
Harriet Hayne		✓
Gay Holliday		✓
Loren Jenkins		✓
Janet Moore		✓
Richard Nelson	✓	
Helen O'Connell	✓	
Mary Lou Peterson	✓	
Paul Pistoria		✓
Rande Roth		✓
Tonia Stratford	✓	
Timothy Whalen	✓	

TALLY

17

11

Secretary

Chairman

MOTION: _____

*Do Pass
as amended*

ROLL CALL VOTE

State Administration

COMMITTEE

DATE _____ BILL NO. 325 NUMBER _____

NAME	AYE	NAY
Walt Sales		✓
John Phillips		✓
Bud Campbell		✓
Dorothy Cody		✓
Duane Compton	✓	
Gene DeMars	✓	
Harry Fritz	✓	
Harriet Hayne	✓	
Gay Holliday	✓	
Loren Jenkins	✓	
Janet Moore	✓	
Richard Nelson		✓
Helen O'Connell		✓
Mary Lou Peterson		✓
Paul Pistoria		✓
Rande Roth	✓	
Tonia Stratford		✓
Timothy Whalen		✓

TALLY 8 10

Secretary

Chairman

MOTION: _____

ROLL CALL V

COMMITTEE

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Chairman

Form CS-31
Rev. 1985

AMENDMENTS TO HB 325

February 4, 1987

Presented by Gene Huntington

1. NEW SECTION: Section 15 . Youth placement committees-composition. (1) In each judicial district, the department shall establish a youth placement committee, as provided in 2-15-122, for the purposes of recommending an appropriate placement for any youth committed to the department under 41-5-523.

(2) The committee shall consist of not less than four members appointed by the department of family services. The members of the committee must be willing to serve without compensation and must include:
(a) a representative of the department;
(b) a youth probation officer;
(c) a mental health professional; and
(d) a representative of local school districts.
2. NEW SECTION: Section 16. Responsibilities of the placement committee. The committee shall:
(a) review all information relevant to the placement of the youth;
(b) consider available resources which would be appropriate to meet the needs of the youth;
(c) consider the treatment recommendations of any professional person who has evaluated or treated the youth;
(d) recommend to the department an appropriate placement for the youth in a licensed facility, taking into consideration the age and treatment needs of the youth and the relative costs of care in the facilities considered appropriate for placement;
(e) submit a written recommendation to the department regarding the appropriate placement for the youth; and
(f) conduct placement reviews as requested by the department.
3. NEW SECTION: Section 17. Placement by the department.
(1) The placement committee shall submit to the department in writing its recommendation for placement of the youth and send a copy of the recommendation to the appropriate youth court judge.

(2) The department shall accept or reject the recommendation of the committee.
(a) If the department rejects the recommendation of the committee, the department shall promptly notify the committee in writing of the reasons for the rejection and send a

copy of the rejection notice to the appropriate youth court judge.

(b) Within five days of the receipt of the department's reasons for rejection of the committee's recommendation, the committee shall recommend an alternative placement to the department.

(3) The department has final authority to determine the placement of the youth.

4. NEW SECTION: Section 18. Temporary placements and emergency placements excluded. (1) Temporary placements of youth in shelter care facilities and emergency placements of youth in youth care facilities are excluded from the requirements of [Sections 15, 16, and 17].

(2) If a youth continues to be placed in a temporary or emergency placement for 45 days, the department shall refer the youth to the committee to be reviewed and the committee shall make a recommendation to the department in accordance with [Section 17].

5. NEW SECTION: Section 19. Confidentiality of committee meetings and records. (1) Meetings of the youth placement committees shall be closed to the public to protect the youth's right to individual privacy.

(2) Information about the youth which is presented to the committee and committee records are confidential and shall be subject to confidentiality requirements developed by the department.

6. NEW SECTION: Section 20. Rulemaking authority. The department shall adopt rules governing the establishment and administration of youth placement committees established by [Sections 15 through 20].

Renumber subsequent sections

7. Page 1, line 16
Following: "SECTIONS"
Strike: "40-3-115,"

8. Page 1, line 17
Following: "41-3-1121,"
Strike: "41-5-702, 41-5-704, 41-5-705"

9. Page 3, lines 21 and 22
Following: "youth"
Strike: "and to provide programs for the supervision and

rehabilitation of these youth"
Insert: "who are committed to the department"

10. Page 4, line 11
Following: "(2)"
Strike: "administer and supervise all services to"
Insert: "place and provide funding for"
11. Page 4, line 13
Following: "supervision"
Insert: "committed to the department"
12. Page 4, line 15
Following: "youth"
Strike: "served"
Insert: "in need of care"
13. Page 4, line 22
Strike: "(f) institutional services"
Insert: "(3) administer youth correctional facilities"
14. Page 4, line 23
Strike: "(g)"
Insert: "(4) provide"
Re-number subsequent subsections.
15. Page 6, line 24
Delete previous amendment which added rulemaking authority
for Section 14.
16. Page 8, line 12
Following: "department"
Insert: "or the youth court"
17. Page 11, line 14
Following: "41-5-301"
Strike: "41-5-403, 41-5-523"
18. Page 13, lines 16 through 25 and Page 14, lines 1 through 12
Strike: Section 14
Re-number subsequent sections
19. Page 14, lines 13 through 25 and Page 15, lines 1 through 13
Strike: Section 15
Re-number subsequent sections

20. Page 17, line 20
Following: "licensed"
Strike: "child care institution"
Insert: "youth care facility"
21. Page 22, line 6
Following: ~~"and"~~
Insert: "probation officers of the county and the attaches
and"
22. Page 50, lines 2 and 3
Strike: subsection (f)
Re-number subsequent subsections
23. Page 53, line 6
Following: ~~"court,"~~
Insert: "(b) a representative of the youth court,"
Re-number subsequent subsections
24. Page 58, lines 14 through 18
Strike: subsection (11)
Re-number subsequent subsections
25. Page 58, line 25
Following: "and"
Insert: "probation officers"
26. Page 59, line 1
Strike: entire line
27. Page 61, lines 14 thru 25 and page 62, lines 1 thru 8
Following: "(2)"
Strike: the remainder of the section
Insert: "Each county shall pay its portion of the costs of
the youth court based:
(a) on actual costs incurred in or on behalf of the county;
or
(b) if actual costs cannot be identified, on each county's
proportion of the total youth court workload in the judicial
district during the calendar year preceding the setting of
the budget.
(3) The youth court judge shall, in January of each year,
establish the proportion of the workload of the court to be
attributed to each county in the ensuing budget year for
purposes of any necessary application of subsection (2) (b)."

28. Page 62, line 17
Following: "youth"
Insert: "department of the"
29. Page 62, line 18
Following: ~~"officers,"~~
Insert: ", including the appointment of probation officers,"
30. Page 63, line 17
Following: ~~"district."~~
Insert: "(a) appoint and supervise qualified personnel to staff the youth division probation departments within the judicial district."
31. Page 68, line 17
Following: "court"
Strike: "or the department"
32. Page 68, line 22
Following: "officer"
Strike: "must be notified and"
33. Page 69, line 9
Following: "the"
Strike: "appropriate staff within the"
34. Page 71, line 17
Following: "41-3-1102"
Insert: "and determined by the department"
35. Page 71, line 20
Following: "youth"
Insert: "as determined by the department"
36. Page 74, lines 2 and 3
Following: "commitment"
Strike: the remainder of line 2 through "or" on line 3
37. Page 76, line 22
Following: ~~"youth"~~
Insert: "after consideration of the recommendation of the youth placement committee as provided in [section 16] "

38. Page 77, line 17
Following: line 16
Insert: "(iv) youth shall be under the supervision of the youth probation officer, except that youth placed in youth correctional facilities shall be supervised by the department."
39. Page 77, line 19
Strike: "recommended by the department"
Insert: "that does not obligate funding from the department without the department's approval"
40. Page 82, line 11 and 12
Following: "its"
Strike: the remainder of line 11 through "department's" on line 12
41. Page 83 and 84
Return all of Section 63 to original language
42. Page 84 and 85
Return all of Section 64 to original language
43. Page 114, line 6
Following: "delinquent"
Strike: "children alleged to be youth in need of care, youth in need of supervision, and delinquent youth."
Insert: "abused, dependent, and neglected children"
44. Page 139, line 4
Strike: "41-3-115"
Following: "41-3-1121"
Strike: "41-5-702"
45. Page 139, line 5
Strike: "41-5-704, 41-5-705"
46. Page 139, line 13
Amend Section 114 as necessary to provide for new sections
- 6

STANDING COMMITTEE REPORT

February 6 19 67

Mr. Speaker: We, the committee on State Administration

report House Bill 325

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☒ as amended
☒ statement of intent attached

Chairman

CREATE DEPARTMENT OF FAMILY SERVICES

AMEND AS FOLLOWS:

1. Title, lines 11 through 13.
Strike: "TRANSFERRING" on line 11 through ";" on line 13
2. Title, line 16.
Strike: "40-3-115,"
3. Title, line 17.
Strike: "41-5-702" through "41-5-705,"
4. Page 3, lines 21 and 22.
Strike: "and" on line 21 through "youth" on line 22
Insert: "who are referred or committed to the department"
5. Page 4, line 11.
Strike: "administer" through "to"
Insert: "provide funding for and place"
6. Page 4, line 13.
Following: "supervision"
Insert: "who are referred or committed to the department"
7. Page 4, line 15.
Strike: "the"
Following: "youth"
Strike: "served"
Insert: "in need of care"
8. Page 4, line 20.
Following: ";"
Insert: "and"
9. Page 4, line 22.
Strike: "(f)" through "and"
Insert: "(4) administer youth correctional facilities"

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Page 2 of 8

10. Page 4, line 23.

Strike: "(g)"

Insert: "(5) provide"

Re-number: subsequent subsections

11. Page 5, line 11.

Following: "(7)"

Insert: "(a) make a written evaluation of each plan developed by the local youth services advisory councils, as provided in [section 8], indicating those portions of each plan that will be implemented by the department, those portions that will not be implemented, and the reasons for not implementing those portions;
(b)"

12. Page 5, line 14.

Strike: ", " through "]"

13. Page 6, line 18.

Following: "programs"

Insert: "with specific goals and objectives"

14. Page 6, line 24.

Following: "10"

Insert: "and 17 through 19"

15. Page 8, line 12.

Following: "department"

Insert: "or the youth court"

16. Page 8, line 24.

Following: "plan"

Insert: "with specific goals and objectives"

17. Page 11, line 14.

Strike: "41-5-403, 41-5-523,"

18. Page 13, line 16 through line 13, page 15.

Strike: sections 14 and 15 in their entirety

Insert: "NEW SECTION. Section 14. County contribution for salaries and travel of protective services employees. (1) Upon transfer of certain functions of the county welfare department to the department of family services as provided in [section 12], the salaries and travel expenses, as provided in 2-18-501 through 2-18-503, of protective services employees must be paid by the department of family services. The board of county commissioners shall reimburse

Page 3 of 8

the department of family services from county poor funds in an amount equal to that county's expenditures for salaries and travel expenses of protective services employees in fiscal year 1987.

(2) On or before the 20th day of the month following the month for which payments were made for protective services employees' salaries and travel, the department of family services shall present to the board of county commissioners a claim for the required reimbursement. The board of county commissioners shall make such reimbursement within 20 days after the presentation of the claim.

NEW SECTION. Section 15. Youth placement committees -- composition. (1) In each judicial district, the department shall establish a youth placement committee for the purposes of recommending an appropriate placement of a youth referred to the department under 41-5-403 or committed to the department under 41-5-523.

(2) The committee consists of not less than four members appointed by the department and must include a representative of the department, a youth probation officer, a mental health professional, and a representative of a school district located within the boundaries of the judicial district. Committee members serve without compensation.

NEW SECTION. Section 16. Duties of the youth placement committee. A youth placement committee shall:

(1) review all information relevant to the placement of a youth referred or committed to the department;

(2) consider available resources appropriate to meet the needs of the youth;

(3) consider the treatment recommendations of any professional person who has evaluated the youth;

(4) recommend in writing to the department an appropriate placement for the youth in a licensed facility, considering the age and treatment needs of the youth and the relative costs of care in the facilities considered appropriate for placement;

(5) review temporary and emergency placements as required under [section 18]; and

(6) conduct placement reviews as requested by the department.

NEW SECTION. Section 17. Youth placement committee to submit recommendation to department -- acceptance or rejection of recommendation by department. (1) When a

Page 4 of 8

youth has been referred or committed to the department for placement, the department shall notify the appropriate youth placement committee. The committee shall submit in writing to the department its recommendation for placement of the youth. The committee shall send a copy of the recommendation to the appropriate youth court judge.

(2) If the department accepts the committee's recommendation, the youth must be placed according to the recommendation.

(3) If the department rejects the committee's recommendation, it promptly shall notify the committee in writing of the reasons for rejecting the recommendation. The department shall send a copy of the notice to the appropriate youth court judge.

(4) After receiving a notice under subsection (3), the committee shall submit in writing to the department a recommendation for an alternative placement of the youth.

(5) If the department accepts the committee's recommendation for alternative placement, the youth must be placed according to the recommendation.

(6) If the department rejects the committee's recommendation for alternative placement, the department promptly shall notify the committee in writing of the reasons for rejecting the recommendation, and the youth must be placed in an appropriate facility as determined by the department.

NEW SECTION. Section 18. Temporary and emergency placements -- limit. (1) A temporary placement of a youth in a shelter care facility or an emergency placement of a youth in a youth care facility is exempt from the requirements of [sections 17].

(2) If a temporary or emergency placement of a youth continues for 45 or more days, the department shall refer the placement of the youth to the appropriate youth placement committee for review. The committee shall make a recommendation for placement to the department in accordance with [section 17].

NEW SECTION. Section 19. Confidentiality of youth placement committee meetings and records. (1) Meetings of a youth placement committee are closed to the public to protect a youth's right to individual privacy.

(2) Information presented to the committee about a youth and committee records are confidential and subject to confidentiality requirements established by rule by the department.

Page 3 of 3

NEW SECTION. Section 20. Status of employees upon transfer to the department of family services. A current state employee who is a member of a collective bargaining unit and who occupies a position that is transferred to the department of family services becomes an employee of the department of family services upon signing of the executive order provided in [section 116] and may not receive a reduction in wages upon such transfer. Any subsequent changes that may affect such employee must be made according to existing laws and rules."

ReNUMBER: subsequent sections

19. Page 17, line 20.

Strike: "child" through "institution"

Insert: "youth care facility"

20. Page 20, line 24 through line 12, page 22.

Strike: section 20 in its entirety

ReNUMBER: subsequent sections

21. Page 43, line 5.

Following: "services"

Insert: "welfare department or office of human services"

22. Page 43, line 8.

Following: "services"

Insert: "welfare department or office of human services"

23. Page 45, line 25.

Following: "services"

Insert: "welfare department or office of human services"

24. Page 46, line 12.

Following: "attorney"

Insert: "welfare department or office of human services"

25. Page 47, line 3.

Following: "services"

Insert: "welfare department or office of human services"

26. Page 50, lines 2 and 3.

Strike: subsection (2) in its entirety

ReNUMBER: subsequent subsections

27. Page 53.

Following: line 6

Insert: "(b) a representative of the youth court"

ReNUMBER: subsequent subsections

Page 6 of 3

28. Page 55.

Following: line 7.

Insert: "(3) The county shall reimburse the department for one-half of the payments not reimbursed to the department by the federal government until the county expenditures reach a level equal to the county's level of expenditures for foster care in fiscal year 1967, except as provided in subsection (4). If a county's level of expenditure for any year reaches the level of expenditure for foster care in fiscal year 1987, the county shall reimburse the department for one-quarter of the payments above the fiscal year 1967 expenditure level.

(4) If a county's level of expenditure for foster care in fiscal year 1967 is \$10,000 or less, the county's level of expenditure for purposes of determining the county's percentage of reimbursement specified in subsection (3) is the level of expenditures for fiscal year 1987 or the average of expenditures for fiscal years 1984 through 1987, whichever is less."

Renumber: remaining subsection

29. Page 56, lines 14 through 18.

Strike: subsection (11) in its entirety

Renumber: subsequent subsections

30. Page 59, line 1.

Strike: "any" through "staff"

Insert: "probation officers"

31. Page 61, line 8 through line 20, page 62.

Strike: sections 50 and 51 in their entirety

Renumber: subsequent sections

32. Page 63, line 11 through line 7, page 64.

Strike: section 53 in its entirety

Renumber: subsequent sections

34. Page 68, line 17.

Strike: "or" through "department"

35. Page 68, line 22.

Strike: "must" through "and"

36. Page 69, line 9.

Strike: "appropriate" through "the"

Page 7 of 8

37. Page 71, line 18.

Following: "secure"

Insert: "and as determined by the department"

38. Page 71, line 20.

Following: "youth"

Insert: "as determined by the department"

39. Page 74, lines 2 and 3.

Strike: "to" on line 2 through "or" on line 3

40. Page 76, line 22.

Following: "youth"

Insert: "after considering the recommendation of the youth placement committee as provided in [section 17]"

41. Page 77, line 9.

Strike: "and"

42. Page 77.

Following: line 16

Insert: "(iv) a youth is under the supervision of a youth probation officer, except that a youth placed in a youth correctional facility is supervised by the department"

43. Page 77, line 19.

Strike: "recommended" through "department"

Insert: "that does not obligate funding from the department without the department's approval"

44. Page 82, lines 11 and 12.

Strike: "professional" on line 11 through "department's" on line 12

45. Page 83, line 22 through line 4, page 85.

Strike: sections 63 and 64 in their entirety

Renumber: subsequent sections

46. Page 114, lines 5 through 8.

Strike: "children" on line 5 through "youth" on line 8

Insert: "abused, dependent, or neglected children"

47. Page 139, line 4.

Strike: "40-3-115."

48. Page 139, lines 4 and 5.

Strike: "41-5-702," on line 4 through "41-5-705," on line 5

Page 8 of 8

49. Page 139.

Following: line 22

Insert: "(3) Sections 15 through 19 are intended to be codified as an integral part of Title 41, chapter 5, and the provisions of Title 15, chapter 5, apply to sections 15 through 19."

50. Page 140, line 23.

Strike: "117"

Insert: "116"

51. Page 140, line 24.

Strike: "116"

Insert: "115"

52. Page 141, line 1.

Strike: "117(1)"

Insert: "116(1)"

STATEMENT OF INTENT

H.B. No. 325

A statement of intent is required for this bill because section 5 grants rulemaking authority to the department of family services to adopt rules necessary to carry out the purposes of sections 3 through 10 and 15 through 19.

Rules are primarily necessary to implement sections 7 and 8 of the bill. These sections require that a state youth services council and local youth services advisory councils be established to advise the director of the department on policies related to children and youth, to make an annual written review and evaluation of local needs and services, and to develop a local plan for a system of community-based services for children and youth.

The rules to be adopted would address:

- (1) the composition, membership requirements, and operating procedures for the state and local advisory councils;
- (2) procedures for the development and format of the annual written review and evaluation of services;
- (3) procedures for the preparation and format of the state plan; and
- (4) other guidelines necessary for the administration and operation of the state and local advisory councils.

It is also intended that the department adopt rules necessary to carry out its duties and responsibilities set forth in section 5. These rules will be adopted in a manner consistent with the expressed purposes of the legislation and the existing rulemaking authority of the department of social and rehabilitation services that are transferred to the department of family services.

In addition, the department will adopt rules governing the establishment and administration of youth placement committees as provided in sections 15 through 19.

SENATE
STATE ADMINISTRATION
COMMITTEE
50th LEGISLATIVE SESSION

1987

COMMITTEE MEMBERS:

SENATOR JACK HAFLEY, Chairman
SENATOR WILLIAM FARRELL, Vice-Chairman
SENATOR LES HIRSCH
SENATOR JOHN ANDERSON
SENATOR J. D. LYNCH
SENATOR ETHEL HARDING
SENATOR ELEANOR VAUGHN
SENATOR SAM HOFMAN
SENATOR HUBERT ABRAMS
SENATOR TOM RASMUSSEN

LEGISLATIVE STAFF COUNCIL:

EDDYE McCLURE

SECRETARY:

CAROL DUVAL

CHAIRMAN--SEN. JACK HAFEEY
NORMAL SCHEDULE==> SITE: ROOM 331

DAYS: MON THRU FRI TIME: 10:00 A.M.

SECRETARY-CAROL DUVAL

--BILL NO--	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
HB0244	2/02	2/05		CONCUR		2/05
PETERSON, MARY LOU			PURCHASE SERVICE FOR TIME LOST DUE TO INJURY IN TEACHERS' RETIREMENT SYSTEM			
HB0251	2/02	2/05		CONCUR		2/05
COBB, JOHN			AUTHORIZE DEPT OF ADMIN. TO ADOPT RULES ON USE OF COMMUNICATIONS EQUIPMENT			
HB0259	3/23	3/26		CONCUR		3/26
WINSLOW, CAL			REIMBURSE STATE EMPLOYEES FOR ANY TAXES ON IN-STATE LODGING			
HB0265	2/02	2/05		CONCUR		2/05
PHILLIPS, JOHN			ENACT THE FEDERAL WRITE-IN ABSENTEE BALLOT QUALIFICATIONS AND PROCEDURES			
HB0299	2/03	2/10		CONCUR		2/10
BARDANOUE, FRANCIS			DEFINING ACTUARIAL EQUIVALENT BY ACTUARIAL TABLES AND INTEREST RATES			
HB0300	2/23	3/18		CONCUR AS AMENDED		3/20
LORY, EARL			AUTHORIZE OPTIONAL RETIREMENT PROGRAM FOR CERTAIN U. SYSTEM FACULTY & STAFF			
HB0321	2/10	2/13		CONCUR		2/13
BULGER, TOM			ALLOWING REPRODUCTION OF DRIVER RECORDS FOR PERPETUAL STORAGE			
✓ HB0325	2/16	3/11	3/17, 3/20, 3/23	CONCUR AS AMENDED		3/25
MERCER, JOHN			CREATE DEPARTMENT OF FAMILY SERVICES			
HB0335	2/05	2/12		CONCUR	JUDICIARY	2/12
PISTORIA, PAUL			ALLOW PRIVATE PARKING SERVICE TO ENTER AGREEMENT WITH LOCAL GOVERNMENT			
HB0427	2/11	2/20		CONCUR		2/20
VINCENT, JOHN			ALLOW SERVICE WITH COOP. EXT. SERVICE TO QUALIFY IN TEACHERS' RETIREMENT			
HB0450	2/19	3/04		CONCUR		3/09
PISTORIA, PAUL			LIMITING USE OF MUNICIPAL PROFESSIONAL SERVICES CONTRACTS			

MINUTES OF THE MEETING
STATE ADMINISTRATION SUBCOMMITTEE
MONTANA STATE SENATE

March 17, 1987

The Subcommittee on House Bill 325 met at 10:30 a.m. on March 17, 1987 in Room 331 of the State Capitol. Senator Bill Farrell was Chairman along with Senators Abrams, Lynch and Rasmussen. Eddy McClure, Legislative Staff Researcher, was also present.

Gene Huntington, from the Governor's office; Mary Blake from SRS; Bill Collins, SRS; Nancy Neibauer and Bea Lunda representing the social workers; Dave Lewis, SRS Director; Steve Waldron, Executive Director of the Montana Council of Mental Health Centers; Mona Jamison, representing the probation officers; Gordon Morris, from the Montana Association of Counties or MACO; and Richard Kirsteen, a social worker were also present.

Senator Farrell asked Bill Collins about his concerns with the bill. He said he was concerned about losing the local control of the directors and whether or not there would be adequate coverage for social service programs if the county directors were not involved.

Nancy Neibauer stated they were concerned about the probation officers being taken out of the original bill. She said they feel it is absolutely necessary to have the probation officers involved in order to make it a workable arrangement. She noted the bill does not address developmentally disabled children or aging services and felt it might put the social workers in a position of being responsible for the care of such children whom they are not caring for now. She said caring for the mentally disturbed children was much more expensive also. Senator Lynch asked Ms. Neibauer if they would support the bill if the probation officers were amended back in and she said they would still have some objections to the bill. Senator Farrell then asked if the social workers would be opposed if county expenses were capped. She said they would because local control was a big issue with the county directors.

Senator Farrell asked Mona Jamison to give some background as to why probation was removed. She said it was because of local control. She felt keeping probation out of the bill alleviated one of the biggest concerns. She noted in the House hearings there had been arguments that the probation officers were appointed by the District Court Judge who in turn was elected by the people. She felt there was a kind of "tug" from the local level as to the best interests of the child and by preserving the status quo that local control and local apathy for the children would have a voice and serve the public well.

Senator Farrell asked Gordon Morris if the local committees that would be formed and appointed by the department would not be considered local control since they would develop the plan for their districts. Gordon Morris stated what you actually have is multi-county involvement because it would be judicial districts.

Bill Collins stated his primary concern as a representative of the social worker's staff was that they would be losing manpower while at the same time assuming a greater workload. He noted that presently county directors are utilized on a day-to-day basis for administrative backup. He felt they would need more employees to make up this loss. He was also concerned about the placement of youth from the youth courts.

Senator Rasmussen stated there was a concern expressed that the social workers had not been on the initial task force. Steve Waldron noted that the council had met numerous times in the past year. Those who were interested in caring for the youth of our state attended those hearings. He noted some had even gone to the governor to ask to be represented. He felt the social workers could have participated if they had wanted to. Senator Lynch stated it is one thing to be asked to be a member of the council and quite another just to give input at a meeting. He felt the social workers should have been invited in the beginning. Richard Kirsteen commented there were people who had attending meetings in Billings and presented overviews of child protective services but this was the only input they had had.

Senator Farrell asked if anyone present had prepared amendments to give to the subcommittee for consideration. Senator Lynch then took over as chair as Senator Farrell had to leave for another hearing. Senator Lynch then asked Gene Huntington to address the concerns of the opponents at the hearing. Mr. Huntington stated there was concern about the placement authority being in the department. He suggested language that the probation officers keep their caseload throughout the process. There was also concern about loss of staff and he felt there might be some shifting of staff but no actual changes made. He was not certain this could be done by amendment either but rather by the budgeting process.

Mary Blake noted there had been nothing addressed concerning the actual placement work that must be done to determine where the really tough kids would be placed. She felt it should be clarified that the probation officers would do this.

Senator Rasmussen noted there had been a suggestion made that the counties could opt out if they wished and wondered if this was feasible. Gene Huntington stated they had not proposed such a solution but his amendment would put a cap on foster care for the counties. He did not know how county welfare would be affected.

Richard Kirsteen felt the county directors do have a major role and that any new staff hired would never be able to replace the experienced county directors. Nancy Neibauer noted there is quite a difference in the way the system is managed in a non-assumed county and the way it is done in the assumed counties.

Gordon Morris felt the state-assumed counties would not be affected by this bill. He suggested a pilot program in the state-assumed counties. He said the remaining 44 counties were not interested in any compromises. He said he did not have any authority to negotiate amendments.

Dave Lewis felt it would not be possible to have a fractured system because you need to have accountability to determine who is responsible and the way the system now stands this is not possible. The state currently pays the bills for foster care he said. The counties would wonder who would be held accountable if a bad decision was made.

Bea Lunda stated she had some amendments to suggest and was especially concerned about tribal court agreements as the bill only refers to district courts. She wondered if Indian youth who are referred from tribal courts and termed as "delinquent youth" could possibly be getting into the system also. She thought this might possibly be contested in the courts. Gene Huntington responded they were not making new law in this area.

Bea Lunda stated that District Court Judge McPhilips was concerned about liability. He felt once a youth is committed it might open up the possibility of lawsuits for the counties.

Senator Lynch stated it appeared that even if the probation officers were written back into the bill there might be problems in administration regardless of whether this bill passed or not. He noted the judge can now commit a youth wherever he chooses. Bea Lunda said the judge was concerned about the probation officers being held liable for any risks after the child is committed.

Gene Huntington said there was no change in the bill regarding liability. He felt the concern might be due to the interim council having continuing jurisdiction over the children in the

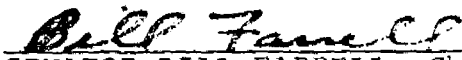
Senate State Administration Subcommittee
March 17, 1987 HB 325
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correctional institutions so that they could intervene later on if necessary. He noted this was the only concession that had been given to the judges.

Senator Lynch asked Gene Huntington, Bea Lunda, Mary Blake and other concerned parties to submit amendments to the legislative researcher, Eddy McClure for further consideration. He stated he could see there was a lack of coordination in the services for the care of our youth and that the interests of the child should be considered foremost. He felt there was a concern about "turf" battles and over losing some positions. He suggested the opposing parties try to resolve their differences before another meeting was called.

The meeting was adjourned at 11:05 a.m.

cd


SENATOR BILL FARRELL, Chairman

MINUTES OF THE MEETING
STATE ADMINISTRATION SUBCOMMITTEE
MONTANA STATE SENATE

March 20, 1987

The second meeting of the Senate Administration Subcommittee on House Bill 325 convened at 11:20 a.m. in Room 331 of the State Capitol. The meeting was called to order by Chairman Bill Farrell.

Senators Abrams, Lynch and Rasmussen were present along with representatives from the Department of Social and Rehabilitative Services, SRS; the Governor's office, the social workers; Steve Waldron, Executive Director of the Montana Council of Mental Health Centers; and Mona Jamison, representing the probation officers.

Amendments had been proposed by the differing parties after the first subcommittee meeting on March 17, 1987. Eddy McClure, legislative researcher, noted the amendments proposed did not address all the differences and that the social workers were still recommending that further study be done. (EXHIBIT 1)

The first three pages of amendments included some technical changes suggested by Gene Huntington from the Governor's office. This would allow the welfare departments to have a seat on the councils that would be appointed for determining the placement of the youth. He suggested a cap on the amount the counties would be obligated to pay remain at the Fiscal 1987 level. One of his proposed amendments would clarify that SRS could collect administrative costs the same way they do presently from the counties.

Page four of the amendments being proposed would allow the county to contract with the county board of welfare for the administration of child and adult protection services. This addressed a concern of county workers for additional ways to address local control.

The last page of amendments were suggested by the social workers. There would be language inserted that a youth may be placed in a public facility as determined by the department or be referred back to the youth court. Bea Lunda stated she was concerned about having a safeguard to prevent a large influx as there would be some discretionary powers over which youth were committed to the department. There would also be language inserted that would ensure if a youth were placed in a care facility or a correctional facility that the department would be responsible for all or a portion of the costs of such a placement. The court could order a probation officer to conduct the investigation into the financial status of the parents or his guardianship assets. It would also divide the legislation into two parts as there are occasions where the department is responsible and times when probation is responsible.

Bea Lunda stated she felt the probation officer should do this investigation rather than the social worker as it would result in an increased workload for the caseworker.

There was also an amendment that would state that the court would determine whether continuation in the home would be contrary to the welfare of a child and whether reasonable efforts have been made to prevent or eliminate the need for removal of the child from his home.

Another amendment the social workers proposed would change a wording from provide to arrange which they felt was clearer.

Senator Lynch MOVED TO RECOMMEND THE ADOPTION OF THE FIRST THREE PAGES OF AMENDMENTS THAT HAD BEEN PROPOSED BY GENE HUNTINGTON. Senator Farrell asked Gordon Morris, from MACO, to respond to the amendments that had been proposed. He noted he would be concerned about defining what indirect costs would affect the counties. Mary Blake, from SRS, stated this is lined out specifically in the bill the counties would get each month from the Department and is current law. The motion was passed unanimously.

Senator Lynch asked Mr. Huntington to address the amendment allowing the county to contract with the board of welfare. Mr. Huntington stated he had no problems with the amendment and felt it might be for clarification. He felt the county directors would still be used for backup but that the Department needed to have some clear lines of authority. Gordon Morris felt it would put the county in the position of creating a Family Services Agency that has the authority to go back and contract for services the county already performs. Senator Lynch then MOVED THAT THE PAGE FOUR AMENDMENT CONTRACTING WITH THE COUNTY FOR ADMINISTRATION OF CHILD PROTECTIVE SERVICES BE RECOMMENDED. This motion passed unanimously.

Senator Lynch asked Mona Jamison to respond to the amendments on youth placement. She stated this amendment would basically eliminate the whole point of the compromise that had been reached regarding probation officers. She noted the compromise had stated that the department would have the final decision on placement because they controlled the dollars. If the placement were to go back to the youth court she stated they would have no funding. She said for accountability that this amendment should not be accepted. Gene Huntington stated the amendment would not make the bill unworkable but that it was the intent of the interim council to have the dollars be accountable somewhere as Ms. Jamison had pointed out. He noted it would not be the intent of the department to refer youth back

to the youth court but that it could be done with this amendment.

Bea Lunda said she felt the counties would not have the money that is necessary to place the youth either. She thought there should be an option so the counties could do some selection and prioritization of placements. Senator Lynch felt this might be getting into a "yoyo" situation and felt this might just be adding another shuffle in the process. There was no support for amendment number 1 on page 5.

Eddy McClure then stated that Bea Lunda had suggested that probation officers be responsible for investigation of youth and noted that there is currently an overlap in services as sometimes the Department is responsible and sometimes the probation officers are. The amendments would divide the responsibilities. Senator Lynch MOVED TO RECOMMEND AMENDMENTS 2, 3 and 4. Mona Jamison stated she would have no objections and neither did Gene Huntington. The motion passed unanimously.

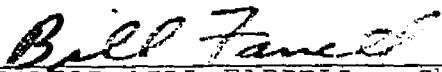
A brief discussion was held on Amendment 5 of Page 5. Bea Lunda noted that this language was necessary to make a child eligible for federal funding which would be advantageous and save general fund money. Gene Huntington also felt it might be beneficial to have this language inserted. Senator Lynch MOVED THAT AMENDMENT 5 BE RECOMMENDED. The motion passed unanimously.

Amendment 6 of Page 5 was a technical wording change from the word provide back to arrange for more clarification. The intent was that the probation officers supervise and the youth court would do the placement. Senator Lynch MOVED TO CHANGE PROVIDE BACK TO ARRANGE. The motion passed unanimously.

The recommendations would be brought to the full committee for their passage and approval. Senator Lynch noted that MACO was still opposed to the bill with the recommended amendments.

The meeting was adjourned at 12 noon.

cd


SENATOR BILL FARRELL, Chairman

SENATE STATE ADMIN.

EXHIBIT NO. 1

DATE 3-28-87

BILL NO. HB 325

AMENDMENTS TO HB 325
Proposed to the Senate State Administration Subcommittee

1. Page 17, line 5
Following: "THAN"
Strike: "FOUR"
Insert: "five"

2. Page 17, line 7
Following: "DEPARTMENT,"
Insert: "a representative of a county department of public
welfare,"

AMENDMENTS TO HB 325
Proposed to the Senate State Administration Subcommittee

1. Page 60, line 9
Following: "one-half"
Insert: "of the non-federal share of"
2. Page 60, lines 12 through 16
Following: "(3)"
Strike: the remainder of line 12 through line 16
3. Page 60, line 17
Following: "(4)"
Strike: ". IF"
Insert: ", WHEN"
4. Page 60, lines 19, 20, and 21
Following: "1987,"
Strike: the remainder of line 19 thru "LEVEL." on line 21
Insert: "THE COUNTY HAS NO FURTHER OBLIGATION FOR
FOSTER CARE EXPENDITURES."
5. Page 60, line 25
Strike: "PERCENTAGE OF"

The purpose of this amendment is to cap the counties' participation in foster care at the FY1987 level. Counties continue to pay a portion of each placement as the current agreed level only up to the 1987 expenditure level. The provision for the smaller counties with 1987 foster care expenditures of less than \$10,000 continue to have the 3 year average option instead of the 1987 expenditure level.

AMENDMENTS TO HB 325

1. Page 16, line 15
Strike: "AND"
Insert: "
Following: "EXPENSES"
Insert: ", AND INDIRECT COSTS,"
2. Page 16, line 19
Following: "SALARIES"
Strike: "AND"
Insert: "
Following: "TRAVEL"
Insert: "INDIRECT COSTS"

Proposed Amendment to HB 325
(Third Reading)

1. Page 7, line 11 and 12
Following: "department"
Strike: "and"
Insert: "(16) contract with the county board of
welfare for administration of child and adult
protection services for that county; and"
Renumber: subsequent subsection

PROPOSED AMENDMENTS TO HOUSE BILL 325
(Third Reading)

1. Page 19, line 7.

Following: line 7

Insert: "(7) The youth may either be placed in an appropriate facility as determined by the department or be referred to the youth court."

2. Page 61, line 13.

Following: "(1)"

Insert: "(a)"

3. Page 61, lines 14 through 21.

Following: "41-3-404"

Strike: ", 41-5-403, 41-5-523, or 41-5-524"

Following: "facility" on line 15

Strike: "or youth correctional facility"

4. Page 61, line 21.

Following: line 21

Insert: "(b) Whenever a disposition under 41-5-403, 41-5-523, or 41-5-524 involves placement in a youth care facility or youth correctional facility and the department is responsible for all or part of the cost of such placement, the court shall order the probation officer to conduct an investigation of the financial status of the youth's parents or guardianship assets."

5. Page 83, line 1.

Following: "facility"

Insert: ", The court shall determine whether continuation in the home would be contrary to the welfare of the child and whether reasonable efforts have been made to prevent or eliminate the need for removal of the child from his home. The court shall include such determination in the order committing the youth to the department."

6. Page 122, line 6.

Following: "arrange"

Strike: "provide"

Insert: "arrange"

The hearing was CLOSED on House Bill 459.

EXECUTIVE ACTION ON HOUSE BILL 325: Senator Haffey referred the committee to amendments that were being recommended by the subcommittee consisting of Senators Farrell, Rasmussen, Abrams and Lynch to study HB 325. (EXHIBIT 7) Senator Farrell noted the first amendments dealt with indirect costs which are something that is already being done but this was just a clarification that these costs would be accepted. The second page of amendments the committee recommended would add a social worker to the committee to make it five people per region. The third page amendment clarifies that the department can contract with the county board of welfare for administration of child and adult protection services for that county.

Eddye McClure explained the page four amendments which dealt with a concern of where the assessment of costs would be delegated between probation officers or the department. In order to separate these a new section had to be added to alleviate the social worker's concerns. These amendments would also clarify when there would be a court determination that a child would be removed from a home. A wording change was also made to insert the word arrange back into the language. These amendments addressed concerns of the social workers she noted.

The last amendment the subcommittee recommended adopting was to cap the county's expenditures for foster care.

An amendment had been received to include the pay plan for the employees in the Family Services Agency. (EXHIBIT 8)

Senator Farrell then MOVED TO ADOPT ALL THE AMENDMENTS THAT HAD BEEN DISCUSSED AND RECOMMENDED BY THE SUBCOMMITTEE AND THE AMENDMENT ADDRESSING THE PAY PLAN FOR HOUSE BILL 325. Eddye McClure pointed out that the social workers had submitted some amendments but were still not in favor of the proposal. Senator Haffey commended the subcommittee's efforts to try and work out a compromise that would address all the parties who were concerned. Senator Harding asked if MACO was agreeable to the way the bill was written and was told they were still in disagreement. Senator Farrell stated he felt MACO would like to see a pilot program developed first and perhaps further study of the issue. Senator Farrell noted the Appropriations Committee would like to have some direction. Senator Harding asked about Rep. Winslow's reorganization bill and was told there was coordination language to incorporate both bills. On a vote to adopt the amendments the motion passed unanimously.

Senator Farrell then MOVED THAT HOUSE BILL 325 BE CONCURRED IN AS AMENDED. Senator Farrell noted that the social workers were

included as a member of the committees and the costs to the counties were capped at the Fiscal 87 level. He noted there needs to be someone held responsible for youth placement accountability and that he felt this bill was a step forward. He felt our youth need to have services on a reasonable basis.

Senator Hofman noted in his county they are currently paying about 4 mills. With the expenses being capped they would remain at this level he stated. He felt that control was just going from the county to the state. Senator Farrell stated that most of the decisions are being made at the state level anyway. He felt with the social workers on the committees they would have input and be able to develop a plan for their own areas.

Senator Harding was concerned about capping the levels the counties have to pay. She wondered if one might see a doubling of the money that is required to be spent regardless of what the counties are capped at. Senator Farrell did not feel this would necessarily be the case and noted that the Appropriations Committee needs some direction in order to establish a budget and to establish accountability. Gene Huntington noted that foster care costs have been state funded and the concern in appropriations was for the court-ordered foster care.

Senator Hirsch stated he opposed the bill. He felt it was unfortunate that the advisory committee did not come up with something other than another agency to handle some very real problems. He felt the public perceives this as just creating more government and takes control away from the counties. He said he could not support the bill.

Senator Hofman stated he was also bothered about the costs and could envision the state agency stating in the future that some counties were paying more than others and they should all be paying equally. He felt if they did this that the counties that have kept their costs down would be the ones who would be penalized.

On a roll call vote THAT THE BILL BE CONCURRED IN AS AMENDED there was a tie vote 5-5. The bill would be discussed again on Wednesday, March 25 at the next scheduled meeting of the committee.

The meeting was adjourned at 12:30 p.m.

cd


SENATOR JACK HAFFEY, Chairman

ROLL CALL

SENATE STATE ADMINISTRATION COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 3/23/87

NAME	PRESENT	ABSENT	EXCUSED
SENATOR JACK HAFLEY	X		
SENATOR WILLIAM FARRELL	X		
SENATOR LES HIRSCH	X		
SENATOR JOHN ANDERSON	X		
SENATOR J. D. LYNCH	X		
SENATOR ETHEL HARDING	X		
SENATOR ELEANOR VAUGHN	X		
SENATOR SAM HOFMAN	X		
SENATOR HUBERT ABRAMS	X		
SENATOR TOM RASMUSSEN	X		

Each day attach to minutes.

AMENDMENTS TO HB 325

1. Page 16, line 15
Strike: "AND"
Insert: "
Following: "EXPENSES"
Insert: " , AND INDIRECT COSTS,"

2. Page 16, line 19
Following: "SALARIES"
Strike: "AND"
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Insert: "INDIRECT COSTS"

AMENDMENTS TO HB 325

Adopted by the Senate State Administration Subcommittee

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Following: "THAN"
Strike: "FOUR"
Insert: "five"
2. Page 17, line 7
Following: "DEPARTMENT,"
Insert: "a representative of a county department of public
welfare,"

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Adopted Amendment to HB 325
(Third Reading)

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Following: "department"
Strike: "and"
Insert: "(16) contract with the county board of
welfare for administration of child and adult
protection services for that county; and"
Renumber: subsequent subsection

ADOPTED AMENDMENTS TO HOUSE BILL 325
(Third Reading)

1. Page 61, line 13.

Following: "(1)"

Insert: "(a)"

2. Page 61, lines 14 through 21.

Following: "41-3-404"

Strike: ", 41-5-403, 41-5-523, or 41-5-524"

Following: "facility" on line 15

Strike: "or youth correctional facility"

3. Page 61, line 21.

Following: line 21

Insert: "(b) Whenever a disposition under 41-5-403, 41-5-523, or 41-5-524 involves placement in a youth care facility or youth correctional facility and the department is responsible for all or part of the cost of such placement, the court shall order the probation officer to conduct an investigation of the financial status of the youth's parents or guardianship assets."

4. Page 83, line 1.

Following: "facility"

Insert: ". The court shall determine whether continuation in the home would be contrary to the welfare of the child and whether reasonable efforts have been made to prevent or eliminate the need for removal of the child from his home. The court shall include such determination in the order committing the youth to the department."

5. Page 122, line 6.

Following: "arrange"

Strike: "provide"

Insert: "arrange"

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HB 325 7
DATE 3-23-87
BILL NO. HB 325

AMENDMENTS TO HB 325
Adopted by the Senate State Administration Subcommittee

1. Page 60, line 9
Following: "one-half"
Insert: "of the non-federal share of"
2. Page 60, lines 12 through 16
Following: "(3)"
Strike: the remainder of line 12 through line 16
3. Page 60, line 17
Following: "(4)"
Strike: ". IF"
Insert: ", WHEN"
4. Page 60, lines 19, 20, and 21
Following: "1987,"
Strike: the remainder of line 19 thru "LEVEL." on line 21
Insert: "THE COUNTY HAS NO FURTHER OBLIGATION FOR
FOSTER CARE EXPENDITURES."
5. Page 60, line 25
Strike: "PERCENTAGE OF"

The purpose of this amendment is to cap the counties' participation in foster care at the FY1987 level. Counties continue to pay a portion of each placement as the current agreed level only up to the 1987 expenditure level. The provision for the smaller counties with 1987 foster care expenditures of less than \$10,000 continue to have the 3 year average option instead of the 1987 expenditure level.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 325:

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1. Page 20.

Following: line 11

Insert: "Section 21. Section 2-18-303, MCA, is amended to read:

"2-18-303. Procedures for utilizing pay schedules. (1) The pay schedules provided in 2-18-311 and 2-18-312 shall be implemented as follows:

(a) The pay schedule provided in 2-18-311 indicates the annual compensation for the fiscal year ending June 30, 1986, for each grade and step for positions classified under the provisions of part 2 of this chapter.

(b) The pay schedule provided in 2-18-312 indicates the annual compensation for the fiscal year ending June 30, 1987, for each grade and step for positions classified under the provisions of part 2 of this chapter.

(c) Each new employee shall advance from step 1 to step 2 of a grade after successfully completing 6 months of probationary service. The anniversary date of an employee shall be established at the end of the probationary period in accordance with rules promulgated by the department.

(d) (i) The compensation of each employee on the first day of the first pay period in fiscal year 1986 shall be that amount which corresponds to the grade and step occupied on the last day of the preceding fiscal year of 1985.

(ii) The compensation of each employee on the first day of the first pay period in fiscal year 1987 shall be that amount which corresponds to the grade and step occupied on the last day of the fiscal year 1985.

(iii) In compliance with rules adopted to implement this part, each employee is eligible on his anniversary date to advance one step in the pay matrix for fiscal year 1987. However, if the employee's anniversary date falls between (inclusive) July 1 and the first day of the first pay period of fiscal year 1987, he will advance one step on the first day of that pay period.

(2) The pay schedules provided in 2-18-311 and 2-18-312 and the provisions of subsection (1) of this section do not apply to those institutional teachers, liquor store occupations, or blue-collar occupations compensated under the pay schedules provided in 2-18-313, 2-18-314, or 2-18-315.

(3) The pay schedules provided in 2-18-313, 2-18-314, or 2-18-315 shall be implemented as follows:

(a) (i) The pay schedules provided in 2-18-313 indicate the annual compensation for the contracted school term for teachers employed by institutions under the authority of the department of institutions or family services for fiscal years 1986 and 1987.

(ii) The compensation of each teacher on the first day of the first pay period in July, 1985, shall be that amount which corresponds to his level of academic achievement and the step occupied on June 30, 1985.

(iii) The compensation of each teacher on the first day of the first pay period in July, 1986, shall be that amount which corresponds to his level of achievement and the step occupied on June 30, 1985.

(b) (i) The pay schedules provided in 2-18-314 indicate the maximum hourly compensation for fiscal years ending June 30, 1986, and June 30, 1987, for those employees in liquor store occupations who have collectively bargained separate classification and pay plans.

(ii) The compensation of each employee on the first day of the first pay period in fiscal year 1986 or 1987, as the case may be, shall be that amount which corresponds to that grade occupied on the last day of the preceding fiscal year.

(c) (i) The pay schedules provided in 2-18-315 indicate the maximum hourly compensation for fiscal years ending June 30, 1986, and June 30, 1987, for employees in apprentice trades and crafts and other blue-collar occupations recognized in the state blue-collar classification plan who are members of units that have collectively bargained separate classification and pay plans.

(ii) The compensation of each employee on the first day of the first pay period in fiscal year 1986 or 1987, as the case may be, shall be that amount which corresponds to that grade occupied on the last day of the preceding fiscal year.

(4) (a) (i) No member of a bargaining unit may receive the amounts indicated in the respective pay schedules provided in 2-18-311 through 2-18-315 until the bargaining unit of which he is a member ratifies a completely integrated collective bargaining agreement covering the biennium ending June 30, 1987.

(ii) In the event that negotiation and ratification of a completely integrated collective bargaining agreement as required by subsection (4)(a)(i) of this section are not completed by July 1, 1985, retroactivity to that date may be negotiated.

(iii) In the event that negotiation and ratification of a completely integrated collective bargaining agreement as required by subsection (4)(a)(i) of this section are not completed by July 1, 1985, members of the bargaining unit involved will continue to receive the compensation they were receiving as of June 30, 1985.

(b) Methods of administration not inconsistent with the purpose of this part and necessary to properly implement the pay schedules provided in 2-18-313 through 2-18-315 may be provided for in collective bargaining agreements.

(5) The current wage or salary of an employee shall not be reduced by the implementation of the pay schedules provided for in 2-18-311 through 2-18-315.

(6) The department may authorize a separate pay schedule for medical doctors if the rates provided in 2-18-311 and 2-18-312 are not sufficient to attract and

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retain fully licensed and qualified physicians at the state institutions.

(7) The department may develop programs which will enable the department to mitigate problems associated with difficult recruitment, retention, transfer, or other exceptional circumstances. Insofar as the program may apply to employees within a collective bargaining unit, it shall be a negotiable subject under 39-31-305.""

Renumber: subsequent sections

2. Page 147, line 5.

Strike: "116"

Insert: "117"

3. Page 147, line 6.

Strike: "115"

Insert: "116"

4. Page 147, line 8.

Strike: "116(1)"

Insert: "117(1)"

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ROLL CALL VOTE

STATE ADMINISTRATION

SENATE COMMITTEE _____

Date March 23, 1987 HOUSE BILL _____ Bill No. 325 Time 12:30 p.m.

NAME	YES	NO
SENATOR JACK HAFLEY	X	
SENATOR WILLIAM FARRELL	X	
SENATOR LES HIRSCH		X
SENATOR JOHN ANDERSON		X
SENATOR ETHEL HARDING	X	
SENATOR ELEANOR VAUGHN		X
SENATOR SAM HOFMAN		X
SENATOR HUBERT ABRAMS		X
SENATOR TOM RASMUSSEN	X	
SENATOR J. D. LYNCH	X	

Carol Duval
Secretary

Senator Jack Haffey
Chairman

Motion: MOTION BY SENATOR FARRELL THAT HOUSE BILL 325 BE CONCURRED
IN AS AMENDED. Motion was a tie vote.

The Department would keep the titles in one location and update the card index and as time and money allowed they would upgrade all of the titles and have them put on the computer.

Larry Akey, Chief Deputy to Secretary of State, Jim Waltermire, stated they were in support of the bill. He said for the most part land records that are kept in their office are on a manually operated card file which was clearly not state of the art. This bill would allow them to transfer those records to the Department of State Lands. The agencies responsible for fee lands would still be responsible for maintaining their records. He noted that the amended version has no enforcement mechanism to make certain that land records held by the various agencies are filed in a central system. He felt the bill as written was a marginal improvement over the current system and urged support.

OPPONENTS: There were none.

QUESTIONS ON HOUSE BILL 29: There were none.

Rep. Bardanouve stated he was not critical of the way the files were being handled in the Secretary of State's office as they inherited this system. He said it would be desirable if there was sufficient funding to see that all records are brought up to date but felt eventually all the files will be computerized and brought up to the state of the art. The hearing was CLOSED on House Bill 29.

EXECUTIVE ACTION ON HOUSE BILL 29: Senator Farrell MOVED THAT HOUSE BILL 29 BE CONCURRED IN. Senator Hofman seconded the motion. The motion carried unanimously. Senator Vaughn will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HOUSE BILL 325: The committee had a tie vote on this bill on Monday, March 23, 1987. The committee had adopted amendments that had been recommended by the subcommittee on House Bill 325. Three of the subcommittee members had to leave the meeting before there was a chance to discuss their votes so the committee decided to reconsider the action taken on HB 325.

Senator Farrell MOVED THAT HOUSE BILL 325 BE CONCURRED IN AS AMENDED. He stated he felt it was a step in the right direction to develop a plan with local input to serve the youth of our state. Senator Lynch still had some reservations but felt it was a far better bill than it was originally. He felt the original advisory committee was negligent in not including the social workers on the planning stages of the Family Services Agency.

Senator Hirsch then MADE A SUBSTITUTE MOTION TO SEND HOUSE BILL 325 TO THE FLOOR WITHOUT A RECOMMENDATION. He noted the committee had been deadlocked when they voted before but he did feel it was an important issue that should be debated on the floor. Senator Haffey referred to the rules which state if there is a tie vote the bill would remain in committee and that it would be going against the rules to send a bill out without recommendation. Senator Abrams stated he could vote for this motion but could not vote for a do pass. He said he had been deluged with letters from constituents against the bill and was uncomfortable voting for the bill. Senator Harding noted she too was uncomfortable with the bill but felt it was important that it get out on the floor and would vote for the bill just to get it out of committee. Senator Vaughn felt a bill this important should be debated and favored putting it out with a do pass recommendation to get it to the Senate floor. On a vote of Senator Hirsch's motion THAT THE BILL BE SENT OUT WITHOUT RECOMMENDATION, there were two who voted "yes" and eight who voted "no." The motion failed.

A call was made for a vote on Senator Farrell's MOTION THAT HOUSE BILL 325 BE CONCURRED IN AS AMENDED. Senator Abrams stated he would vote yes in order to get the bill out on the floor. Eight committee members voted "yes" and two voted "no." The motion carried. Senator Mazurek will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HOUSE BILL 721: This bill was first heard in committee on March 13, 1987 with amendments. The bill was referred back to the committee after floor debate for further consideration. Amendments were offered by Senators Van Valkenburg, Story and Severson and by Representative Thomas.

Senator Story offered his amendments first. (EXHIBIT 1) He stated he felt the legislature could live with or without annual sessions if the rules for doing them were workable. He felt the proposal should maximize the advantages and minimize the disadvantages. He felt the current version of the bill does not work because there are too many relationships between appropriations and general bills. He noted that often the legislature cannot cut a budget because the law mandates that an agency perform certain duties. In some cases to reduce the budget you must first cut programs which requires a law. He felt in the general session if you wanted new duties performed it might require money to fund this and you would have to put action off till the next session or ignore the law. It would require a two-thirds majority in both houses to change a law or if you were in a budget session it would require a two-thirds majority also. He felt this would not be workable. He felt some legislators thought this might

SENATE STATE ADMINISTRATION COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 3-25-87

NAME	PRESENT	ABSENT	EXCUSED
SENATOR JACK HAFNEY	X		
SENATOR WILLIAM FARRELL	X		
SENATOR LES HIRSCH	X		
SENATOR JOHN ANDERSON	X		
SENATOR J. D. LYNCH	X		
SENATOR ETHEL HARDING	X		
SENATOR ELEANOR VAUGHN	X		
SENATOR SAM HOFMAN	X		
SENATOR HUBERT ABRAMS	X		
SENATOR TOM RASMUSSEN	X		

Each day attach to minutes.

ROLL CALL VOTE

STATE ADMINISTRATION

SENATE COMMITTEE _____

Date 3/25/87 HOUSE BILL Bill No. 325 Time 10:30 a.m.

NAME	YES	NO
SENATOR JACK HAFLEY	X	
SENATOR WILLIAM FARRELL	X	
SENATOR LES HIRSCH		X
SENATOR JOHN ANDERSON	X	
SENATOR ETHEL HARDING	X	
SENATOR ELEANOR VAUGHN	X	
SENATOR SAM HOFMAN		X
SENATOR HUBERT ABRAMS	X	
SENATOR TOM RASMUSSEN	X	
SENATOR J. D. LYNCH	X	

Carol Duval

Secretary

Senator Jack Haffey

Chairman

Motion: MOTION BY SENATOR FARRELL THAT HOUSE BILL 325 BE CONCURRED
IN AS AMENDED. Motion carried 8-2.

ROLL CALL VOTE

STATE ADMINISTRATION

SENATE COMMITTEE

Date 3/25/87 HOUSE BILL Bill No. 325 Time 10:25 a.m.

NAME	YES	NO
SENATOR JACK HAFHEY		X
SENATOR WILLIAM FARRELL		X
SENATOR LES HIRSCH	X	
SENATOR JOHN ANDERSON		X
SENATOR ETHEL HARDING		X
SENATOR ELEANOR VAUGHN		X
SENATOR SAM HOFMAN		X
SENATOR HUBERT ABRAMS	X	
SENATOR TOM RASMUSSEN		X
SENATOR J. D. LYNCH		X

Carol Duval
Secretary

Senator Jack Haffey
Chairman

Motion: SUBSTITUTE MOTION BY SENATOR HIRSCH THAT HOUSE BILL 325
BE SENT TO THE FLOOR WITHOUT RECOMMENDATION. Motion failed 2-8.

STANDING COMMITTEE REPORT

MARCH 25

87

19.....

MR. PRESIDENT

SENATE STATE ADMINISTRATION

We, your committee on.....

HOUSE BILL

325

having had under consideration.....

No.....

third

blue

reading copy ()
color

CREATE DEPARTMENT OF FAMILY SERVICES

Mercer

(Mazurek)

HOUSE BILL

325

Respectfully report as follows: That.....

No.....

be amended as follows:

1. Page 7, lines 11 and 12.

Following: "department;"

Strike: "and"

Insert: "(16) contract with the county board of welfare for
administration of child and adult protection services for
that county; and"

Renumber: subsequent subsection

2. Page 16, line 15.

Strike: "AND"

Insert: ", "

Following: "EXPENSES"

Insert: ", and indirect costs"

3. Page 16, line 19.

Following: "SALARIES"

Strike: "AND"

Insert: ", "

Following: "TRAVEL,"

Insert: "and indirect costs,"

XXXXXX
DO PASS

XXXXXXXXXX
DO NOT PASS

(Continued)

Chairman.

MARCH 25

19 87

4. Page 17, line 5.

Following: "THAN"

Strike: "FOUR"

Insert: "Five"

5. Page 17, line 7.

Following: "DEPARTMENT,"

Insert: "a representative of a county department of public welfare,"

6. Page 20, line 8.

Strike: "116"

Insert: "117"

7. Page 20.

Following: line 11

Insert: "Section 21. Section 2-18-303, MCA, is amended to read:

"2-18-303. Procedures for utilizing pay schedules. (1)
The pay schedules provided in 2-18-311 and 2-18-312 shall be implemented as follows:

(a) The pay schedule provided in 2-18-311 indicates the annual compensation for the fiscal year ending June 30, 1986, for each grade and step for positions classified under the provisions of part 2 of this chapter.

(b) The pay schedule provided in 2-18-312 indicates the annual compensation for the fiscal year ending June 30, 1987, for each grade and step for positions classified under the provisions of part 2 of this chapter.

(c) Each new employee shall advance from step 1 to step 2 of a grade after successfully completing 6 months of probationary service. The anniversary date of an employee shall be established at the end of the probationary period in accordance with rules promulgated by the department.

(d) (i) The compensation of each employee on the first day of the first pay period in fiscal year 1986 shall be that amount which corresponds to the grade and step occupied on the last day of the preceding fiscal year of 1985.

(ii) The compensation of each employee on the first day of the first pay period in fiscal year 1987 shall be that amount which corresponds to the grade and step occupied on the last day of the fiscal year 1985.

(iii) In compliance with rules adopted to implement this part, each employee is eligible on his anniversary date to advance one step in the pay matrix for fiscal year 1987. However, if the employee's anniversary date falls between

(continued)

(inclusive) July 1 and the first day of the first pay period of fiscal year 1987, he will advance one step on the first day of that pay period.

(2) The pay schedules provided in 2-18-311 and 2-18-312 and the provisions of subsection (1) of this section do not apply to those institutional teachers, liquor store occupations, or blue-collar occupations compensated under the pay schedules provided in 2-18-313, 2-18-314, or 2-18-315.

(3) The pay schedules provided in 2-18-313, 2-18-314, or 2-18-315 shall be implemented as follows:

(a) (i) The pay schedules provided in 2-18-313 indicate the annual compensation for the contracted school term for teachers employed by institutions under the authority of the department of institutions or the department of family services for fiscal years 1986 and 1987.

(ii) The compensation of each teacher on the first day of the first pay period in July, 1985, shall be that amount which corresponds to his level of academic achievement and the step occupied on June 30, 1985.

(iii) The compensation of each teacher on the first day of the first pay period in July, 1986, shall be that amount which corresponds to his level of achievement and the step occupied on June 30, 1985.

(b) (i) The pay schedules provided in 2-18-314 indicate the maximum hourly compensation for fiscal years ending June 30, 1986, and June 30, 1987, for those employees in liquor store occupations who have collectively bargained separate classification and pay plans.

(ii) The compensation of each employee on the first day of the first pay period in fiscal year 1986 or 1987, as the case may be, shall be that amount which corresponds to that grade occupied on the last day of the preceding fiscal year.

(c) (i) The pay schedules provided in 2-18-315 indicate the maximum hourly compensation for fiscal years ending June 30, 1986, and June 30, 1987, for employees in apprentice trades and crafts and other blue-collar occupations recognized in the state blue-collar classification plan who are members of units that have collectively bargained separate classification and pay plans.

(ii) The compensation of each employee on the first day of the first pay period in fiscal year 1986 or 1987, as the

case may be, shall be that amount which corresponds to that grade occupied on the last day of the preceding fiscal year.

(4) (a) (i) No member of a bargaining unit may receive the amounts indicated in the respective pay schedules provided in 2-18-311 through 2-18-315 until the bargaining unit of which he is a member ratifies a completely integrated collective bargaining agreement covering the biennium ending June 30, 1987.

(ii) In the event that negotiation and ratification of a completely integrated collective bargaining agreement as required by subsection (4) (a) (i) of this section are not completed by July 1, 1985, retroactivity to that date may be negotiated.

(iii) In the event that negotiation and ratification of a completely integrated collective bargaining agreement as required by subsection (4) (a) (i) of this section are not completed by July 1, 1985, members of the bargaining unit involved will continue to receive the compensation they were receiving as of June 30, 1985.

(b) Methods of administration not inconsistent with the purpose of this part and necessary to properly implement the pay schedules provided in 2-18-313 through 2-18-315 may be provided for in collective bargaining agreements.

(5) The current wage or salary of an employee shall not be reduced by the implementation of the pay schedules provided for in 2-18-311 through 2-18-315.

(6) The department may authorize a separate pay schedule for medical doctors if the rates provided in 2-18-311 and 2-18-312 are not sufficient to attract and retain fully licensed and qualified physicians at the state institutions.

(7) The department may develop programs which will enable the department to mitigate problems associated with difficult recruitment, retention, transfer, or other exceptional circumstances. Insofar as the program may apply to employees within a collective bargaining unit, it shall be a negotiable subject under 39-31-305.**

Renumber: subsequent sections

8. Page 60, line 9.

Following: "one-half"

Insert: "of the nonfederal share of"

(continued)

9. Page 50, lines 12 through 16.

Following: "(3)"

Strike: the remainder of line 12 through line 16

10. Page 60, line 17.

Strike: "EXCEPT"

Insert: "Except"

Following: "(4)"

Strike: ". IF"

Insert: ", when"

11. Page 60, line 18.

Following: "OF"

Strike: "EXPENDITURE"

Insert: "reimbursement"

12. Page 60, lines 19, 20, and 21.

Following: "1997,"

Strike: the remainder of line 19 through "LEVEL" on line 21

Insert: "the county has no further obligation for foster care expenditures"

13. Page 60, line 25.

Strike: "PERCENTAGE OF"

14. Page 61, line 13.

Following: "(1)"

Insert: "(a)"

15. Page 61, lines 14 through 16.

Following: "41-3-404"

Strike: ", 41-5-403, 41-5-523, or 41-5-524"

Following: "facility" on line 15

Strike: "or youth correctional facility"

16. Page 61.

Following: line 25

Insert: "(b) Whenever a disposition under 41-5-403, 41-5-523, or 41-5-524 involves placement in a youth care facility or youth correctional facility and the department is responsible for all or part of the cost of such placement, the court shall order the probation officer to conduct an investigation of the financial status of the youth's parents or guardianship assets."

MARCH 25

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17. Page 83, line 3.

Strike: ";"

Insert: ". The court shall determine whether continuation in the home would be contrary to the welfare of the child and whether reasonable efforts have been made to prevent or eliminate the need for removal of the child from his home. The court shall include such determination in the order committing the youth to the department."

18. Page 122, line 6.

Following: "arrange"

Strike: "provide"

Insert: "arrange"

19. Page 147, line 9.

Strike: "116"

Insert: "117"

20. Page 147, line 10.

Strike: "115"

Insert: "116"

21. Page 147, line 12.

Strike: "116(1)"

Insert: "117(1)"

Amendments, HB 325
70929/C:JEANNE\WP:jj

AND AS AMENDED
BE CONCURRED IN

SENATOR JACK HAFPEY, Chairman

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

March 11, 1987

The thirty-fifth meeting of the State Administration Committee was called to order by Chairman Jack Haffey on March 11, 1987 at 10:07 a.m. in Room 325 of the State Capitol.

ROLL CALL: All committee members were present.

The hearing was opened on House Bill 325.

CONSIDERATION OF HOUSE BILL 325: Representative John Mercer, House District 50, Polson, was chief sponsor for this bill entitled, "AN ACT REORGANIZING THE EXECUTIVE BRANCH OF STATE GOVERNMENT; CREATING A NEW DEPARTMENT OF FAMILY SERVICES; TRANSFERRING CERTAIN FUNCTIONS OF THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES, COUNTY WELFARE DEPARTMENTS, THE DEPARTMENT OF INSTITUTIONS, AND THE YOUTH COURT OF THE DISTRICT COURT TO THE DEPARTMENT OF FAMILY SERVICES; GENERALLY REVISING THE LAWS RELATING TO CHILD WELFARE SERVICES, CHILD AND ADULT PROTECTIVE SERVICES, AND THE YOUTH COURT TO CONFORM TO THE REORGANIZATION; REPEALING SECTIONS 41-3-1106, 41-3-1113, ...; AND 53-20-412, MCA; AND PROVIDING EFFECTIVE DATES." He stated he had served on the Governor's Youth Advisory Reorganization Council and noted this bill was a result of a year of study. One main concern was that the allocation of youth services had a real problem in the way the services are allotted. This bill would reorganize these services. It does not create a new agency but is just a reorganization of services that already exist. It would require that before a child is committed to an institution or placed in a foster home that the probation officer must consult the school district, mental health organizations and with a person from a state agency to decide what is the best placement for a child. If this placement is rejected then a reason has to be submitted in writing for that decision. He felt you would get the best of both worlds by having the state still be responsible for the budgeting and local officials having a voice in making the decisions. There would also be advisory councils to council the state agencies as to the best solution for a particular case. The committee had done the best they could to try and improve the way the youth are being handled presently. He felt it was a step in the right direction for our youth. He distributed a copy of what the bill proposes to do to the committee. (EXHIBIT 1)

PROPONENTS: Senator Joe Mazurek, Senate District 23, Helena, who was also a member of the council felt it represented a broad cross section of people from all aspects of youth care services from local providers to state agencies. He noted some of the history of youth care provision and the continuing problems in

this area which prompted the Governor to come up with this solution. He noted the current system is very fragmented and not very cost effective. The committee had made recommendations to develop a system that would still make decisions on a local level and make a single agency accountable for the advocacy of youth services. He stated it was important that the current sources of funding and funding amounts should continue with any additional growth being the responsibility of the state. He added it was particularly important to get a handle on the disposition of the youth in the district courts. It was not creating a new SRS but simply a structure that concentrates more on the local level and builds from the bottom up. He felt a compromise had been reached regarding the probation officers. The system as it stands currently is too fragmented and needs to be improved and he felt this was a step in that direction.

Carroll South, Director of the Department of Institutions, related the problems that are involved when two agencies are trying to work out a solution to a problem with a youth. He noted they have limited facilities and yet keep receiving more and more youth every year. The judicial system is frustrated too by having the children bouncing back and forth between SRS and the Department of Institutions. It is very difficult to budget two agencies also he added. Presently no single agency is accountable either to the Governor or to the Legislature so in some cases there might be duplicate efforts. He felt having one agency accountable would solve some current problems.

Dave Lewis, Director of the Department of Social and Rehabilitative Services or SRS, stated he had attended meetings held all across the state trying to organize efforts to consolidate and form one agency for youth services. He noted it was very apparent there needed to be accountability for the service delivery system that has been developed. There needs to be authority to set priorities which does not exist presently. The system as it stands now is very flawed he stated. He read a letter from Nancy Neibauer dated November 14, 1985 which related to a serious incident and prompted efforts which started this whole review. (EXHIBIT 2)

Gene Huntington, a member of the Governor's staff and the Director Designate, discussed how he might implement the proposal. He distributed a copy of an organizational chart that would be proposed. (EXHIBIT 3) He felt accountability and authority to operate a youth service system needed to be geographically centralized. The intent was to have advisory councils to provide the overall policy guidance and the district supervisors would be responsible to the director. He felt it was very important to preserve services that are provided on a day-to-day basis. Current services would continue to be provided until an

assessment could be made to determine if changes needed to be made. In the first biennium there would be no changes he felt. In the second year more detailed plans could be presented and developed. He stated he felt it was critical to consolidate the authority at the state level and at the local levels. He then distributed a copy of the report to the Governor that the council has made. (EXHIBIT 4) He also distributed a copy of a study done in three states recently entitled, "Reinvesting Youth Corrections Resources: A Tale of Three States." (EXHIBIT 5) He felt the committee needed to recognize the need for a change before a crisis occurred. He felt a compromise had been reached that took some authority from youth courts for placement which solved a major problem and left the probation officers as members of the court. He left technical amendments he was proposing. (EXHIBIT 6 & 7) He also gave the committee letters from Janet Stevens, Missoula County Commissioner (EXHIBIT 8) and one from the Missoula County Welfare Director urging their support. (EXHIBIT 9)

Gordon Bennett, a local District Court Judge, appearing on his own behalf, stated he felt this was the most forward piece of legislative he had viewed this session and that it would provide a beginning in community corrections in the youth field. He felt it would provide greater access for small outlying communities by developing a unified coordinated system which takes away some of the fragmentation that exists presently.

Geoffrey Birnbaum, Director of Missoula Youth Homes, who was also a member of the reorganizing council, stated there were serious problems in the treatment of our youth in the state. He felt it was important that there be one single agency, that resources be established to follow the children and their needs and that a plan be developed for the future. He noted presently there is a lot of confusion as to who to call in the system and when it comes to budgeting also. He urged support.

Norman Waterman, Director of the Lewis & Clark County Department of Human Services, testified the services are very fragmented and supported the legislation very heartily. (EXHIBIT 10)

Robert Butovorich, Butte Silver Bow Sheriff, noted the current system is fragmented and lacks authority and responsibility and as a result numerous youth are falling through the gaps. This proposal would consolidate county and state existing services into one strong unit that would be beneficial to all. (EXHIBIT 11)

Harold McLaughlin, County Director for Cascade County Human Services, stated he had thirty years of experience and felt this had helped him realize the existing problems and noted that private funding agencies in Great Falls also recognize the problems. He urged support. (EXHIBIT 12)

Joy McGrath, representing the Mental Health Association of Montana, stated they actively support the bill. They did not have a seat on the council but did attend the hearings and felt the planning process was very important to the parents in the state who need the support.

John Wilkinson, Administrator of the Intermountain Deaconess Home in Helena, noted he was very tired of seeing a system that operates through a series of people through a series of defaults and was tired also of seeing children migrate through the system needlessly. He stated he receives many calls from parents who are desperate because they can get no response from the system. The bill may not be perfect but it is something that is long overdue he felt.

Representative Ron Miller, House District 34, Great Falls, noted as chairman of the Institutions Subcommittee, that he supported the bill and felt it was something that was desperately needed because currently there is no continuity. He urged passage of the proposal.

Representative Cal Winslow, House District 89, Billings, stated the legislature has been trying to deal with this problem for the past four sessions. He noted before there was a hodgepodge of services with no continuity and it has been very hard to address. He felt the state needs to look at a statewide reorganization plan to consolidate and make one single agency responsible for the needs of our children. He felt it was an extremely important issue.

Mona Jamison, representing the Juvenile Probation Officer's Association, stated they support the bill as amended and urged its concurrence. She felt the compromise reached would best serve the interests of the children. There is still local control in the youth court and there is accountability from the advisory councils. Recommendations have to be put into writing so there is accountability between the decision maker and the people who pay the bills so it provides a balance.

Craig Anderson, Chief Probation Officer of the Seventh Judicial District, who was also a member of the task force, agreed with previous testimony and felt this proposal removed the conflict between the entities who are going to provide the services while still retaining local community efforts to respond in a positive way.

Mel Mohler, representing himself, stated the council had heard input from all the agencies and they all felt there was a fragmentation of services currently. He felt it was a good bill.
(EXHIBIT 13)

Representative Bill Strizich, House District 41, Great Falls, who is a probation officer also, supported the bill because it focused on some major problems dealing with our children.

Several others from the audience stood who were not able to testify due to time restraints.

OPPONENTS: Gordon Morris, representing the Montana Association of Counties, stated that MACO shares the concerns that the well being of our youth needs to be addressed. He was concerned, however, that the concept of the bill had been done a disservice from the original intention when the probation officers were taken out of the bill. He felt by doing this it left a missing equation. He wondered whose authority would prevail. He felt the bill as it presently stands only affects 44 counties as 12 counties are state assumed presently anyway. He felt if there is a problem in communications it is between SRS and the Department of Institutions and the District Judges and probation officers. He felt this bill would not eliminate that concern. Without the probation officers in the bill he felt that SRS could do what is being proposed now without even passing this proposal. He felt it would be wise to put together a pilot proposal in 12 counties to see if it is a feasible solution. He felt if there is no cap put on the measure that the costs would more than likely be shifted back to the counties. He urged that as the bill presently stands, it receive a do not pass recommendation.

Ted Fletcher, Powder River County Commissioner, stated as MACO chairman, he felt the bill was just a backdoor approach for counties to fund a state bureaucracy. He felt local county official control is removed and there would not be improved services. He noted in the state-assumed counties the costs have risen beyond control and felt this would happen statewide if this proposal were to pass. (EXHIBIT 14)

Norma Keil, of Conrad and a member of the North Central Advisory Agency on Aging, stated they were defensive of any hint of "reorganization." She noted they were not given any consideration in the planning of the proposal and felt it needed more planning. (EXHIBIT 15)

Dolores Shelton, President of the Montana Association of County Workers, stated that testifying before the committee puts the county and social workers in an untenable position as they are speaking out against SRS's stand regarding HB 325. She noted that each of the 56 counties in the state were being represented today as opposing the bill. She cited an example of a special social services program proposed in Glasgow which failed. She felt changes would occur at the local level which would drastically affect the services to children, families and adults in

rural areas if this measure were to pass. She was concerned about fragmentation of services, an increase in property taxes due to loss of County Commission control, delays in resolving solutions to problems, and that rural areas would lose services. In her written testimony she offered suggestions for ways to control and decrease costs under existing methods. (EXHIBIT 16)

She also submitted letters from Diane Altimus, County Director for Sweetgrass and Stillwater Counties, (EXHIBIT 17), Jim Fay, County Director for Butte Silver Bow, (EXHIBIT 18) and from Eudora Fald, County Director for Anaconda Deer Lodge County. (EXHIBIT 19)

Susan Matthews, Social Worker for Custer, Powder River and Garfield Counties, felt there would be testimony submitted from line workers from every county in opposition to the bill. She stated she represented the grass roots and trench workers who are very concerned with the problems of our youth. Removing a portion of SRS and a portion of Institutions would not solve any problems by creating a new department nor help in budgeting. This would just create a new bureaucracy she felt. She recommended using the existing bureaucracy, putting the probation authority back and capping county expenditures. She felt unity must be complete and urged the proposal do not pass. (EXHIBIT 20)

Robert Sybrant, Gallatin County Director, did not feel that reorganization would take care of the problems of the youth in the state. He stated he had studied the bill very carefully and felt it was just state assumption of social services. It would cost more general fund money and eventually more in property tax dollars. He noted the procedures they use in Gallatin County which are locally oriented were very effective. He suggested amendments to bring probation back into the bill, capping county expenditures and giving the counties an option. (EXHIBIT 21)

David McMillan, Richland County Commissioner, felt the intention of the legislation to centralize authority and responsibility of all youth services was well intended but that the creation of an entire new level of bureaucracy would not create any savings to address the real issues. He felt costs would only increase and create more questions than answers. He stated they were hesitant about what future legislation might do also. (EXHIBIT 22)

Nancy Neibart, from Hill County, who is County Director for Human Services, felt the legislation would only present problems. She felt there would be no improvement in services and that the local providers would not be able to guarantee better service.

Bonnie Holman, County Director for Broadwater County in Townsend, stated she was concerned about the delivery of services to high risk children and adults in sparsely populated counties where resources are sparse and in some cases even non-existent. She felt there should be assurances beforehand that this would be an improvement over the current structure. (EXHIBIT 23)

Marsha Burnett, a social worker from Cascade County, stated they were concerning about reorganization from the beginning. She was especially concerned about excluding juvenile probation from being a part of family services and felt the proposal would only be creating another layer of bureaucracy for the placement of children. Not being involved in the decision making process was wrong she felt as they were the providers of the services. (EXHIBIT 24)

Diann Button, a social worker from Choteau County, was concerned about the continuity of services to clients. She felt with a separation of agencies they would lose manpower and be unable to work closely with their clients. She was also concerned about services for developmentally disabled individuals. The concept of a family service agency was good but the current plan left too many unresolved questions she felt. (EXHIBIT 25)

Bonnie Compton, County Director for Blaine County, brought a deposition from Burt Annin which stated what had happened in Alabama and South Carolina when they same type of re-organization had been attempted. (EXHIBIT 26)

Bill Collins, Assistant Administrator for the Community Services Division of SRS, noted he is in contact daily with social workers throughout the state and could not see where this proposal would assist them in their work and might even compound the burdens they face and eventually diminish the level of service they are now able to provide. (EXHIBIT 27)

Colleen Lippke, from Billings, had a petition which contained signatures of staff in Yellowstone County opposing the measure. She felt local providers were not being considered in the proposal and was concerned about the quality of service that would be provided to the clients. (EXHIBIT 28)

Bea Lunda, representing herself, stated she had been involved in internal auditing in SRS for the past few years to determine whether they continue compliance in order to maintain the federal dollars SRS currently receives. She also wanted to see continuity in unifying youth services. She felt a fiscal note should be provided so there was assurance that services would be provided for. She said there are many children now who are not being involved who need help desperately.

She stated she felt participation rates should be formed. She gave the committee computer data on state-assumed counties versus non-assumed counties and felt the measure would not provide assurance of maximum participation in federal funding opportunities and separates placement authority from payment responsibilities. She said without compliance the state would not continue to receive federal dollars. (EXHIBIT 29) She also submitted a letter from District Court Judge R.D. McPhillips urging the bill be defeated. (EXHIBIT 30) The bill as written is flawed she said because it does not take into consideration the legal liability issues that might arise and she thought the committee should look at state assumption to see how it has worked and should fund this bill properly before acting on the proposal.

Carol Evans, a social worker from Missoula County, stated they had sent a letter to the committee on March 6, 1987 noting their opposition and supported all the testimony given in opposition at the hearing. (EXHIBIT 31)

Bonnie Lee Perry, from Richland County Department of Public Welfare, opposed the bill and left a written statement. (EXHIBIT 32)

Theresa Callahan, from Thompson Falls, wondered if the local schools and mental health workers had been consulted regarding placements. (EXHIBIT 33)

Representative Angela Russell, House District 99, Big Horn County, stated she opposed the bill for a number of reasons and had opposed the bill in the House also.

Others who did not have time to testify left testimony for the committee. These included: Mike Kennedy, Audrey Johnson, Ann Gowen, Fred Jenneskens, Kathy Ostranar, J.T. Brown Lee, Judith Williams, David Wallace, Crystal Purcell, Kathi Ellison, Edwin Lambrecht, Joe Cahill, Cheryl Price, Betty Mueller and Dain Christianson. (EXHIBITS 34-48) Testimony from Jim Rolando from Missoula was received after the hearing also. (EXHIBIT 49)

QUESTIONS ON HOUSE BILL 325: Senator Farrell asked whether the local review process in Gallatin County could overrule a youth court refusal and was told the process was reviewed by various individuals who are all involved in the planning and placement but once a placement is made it cannot be questioned. The crowd indicated this was not the case in different counties however. Senator Farrell asked Gene Huntington why the rates were so much higher in state-assumed counties and he stated he felt the reason was due to population levels. Senator Rasmussen

asked how much local input has been considered. Gene Huntington stated the hearing were public and felt information has been distributed to the public in this manner. A social worker from Sanders County responded they had attended the hearings but when concerns were expressed they were told not to worry they would be addressed. Senator Mazurek stated that the council members went back to the local counties and met with probation officers and line workers in their areas for input. He felt the line workers were the ones who wanted the changes made. He noted the council had looked at taking responsibility back to the local communities and they had responded they did not want the responsibility. Senator Lynch asked for a list of counties that were opposed and was told by Gordon Morris that those who favored the proposal were Jefferson, Lewis & Clark, Yellowstone and possibly Missoula County. Senator Harding asked Gene Huntington how the program affects the aging community and was told this division would be transferred to this agency and that he had met with representatives of their group and had assured them their services would remain the same.

Senator Abrams asked Dolores Shelton if there were representatives from all counties in opposition and she stated this was correct. Senator Farrell asked Dolores Shelton if any suggestions had been presented by lineworkers to identify some of the problems and solutions. She stated they were not involved in the decision making process. She stated she was offering some suggestions of what might happen if the bill remains intact in her written testimony.

Senator Hofman asked Bob Sybrant how one could prevent the children from falling through the cracks. He replied he could see nothing in this bill that their county was not already doing. Senator Farrell asked Bea Lunda about her statement that more kids would be involved in the programs and she noted that for a child to come in they have to be a youth in need of supervision. She felt that more and more would be committed to the department and the state would have to assume the responsibility for them.

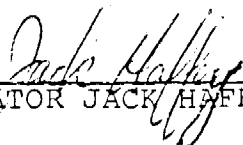
Representative Mercer stated that he found the council to be a very dedicated group of people committed to trying to resolve the problems of our youth. He felt that not having the lineworkers on the committee had been a mistake but he noted there were former lineworkers on the council and that efforts were made to contact local workers for their input. He felt some of the objections were because people did not know how this would affect them. He felt it was just doing what was best for the kids. He noted they had attempted to turn control back to the local people and were told that the state had assumed some of this responsibility and that the state would have to manage

Senate State Administration
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Page Ten

this in a sensible fashion and he felt this bill does this. He noted a major problem is limited funding and since there is limited funding that it has to be allocated wisely and was the reason one agency should be in charge. He noted the probation officers work for the district judge and that he tells the state where the kids are to be placed and because of limited resources this does not always work. He felt if the authority is placed within the agency the best of both worlds could be achieved. The probation officer is still an independent person but he would not have the ultimate authority to tell the state to spend money on a child until everyone had decided this was the best placement. He noted those who were on the committee and those who had sponsored the bill represented a cross section of people who had analyzed this bill very carefully. He felt problems should be worked out and the youth of the state should be considered first. He CLOSED the hearing on House Bill 325.

The meeting was adjourned at 12:15 p.m.

cd



SENATOR JACK HAFFEY, Chairman

ROLL CALL

SENATE STATE ADMINISTRATION

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 3/11/87

NAME	PRESENT	ABSENT	EXCUSED
SENATOR JACK HAFLEY	X		
SENATOR WILLIAM FARRELL	X		
SENATOR LES HIRSCH	X		
SENATOR JOHN ANDERSON	X		
SENATOR J. D. LYNCH	X		
SENATOR ETHEL HARDING	X		
SENATOR ELEANOR VAUGHN	X		
SENATOR SAM HOFMAN	X		
SENATOR HUBERT ABRAMS	X		
SENATOR TOM RASMUSSEN	X		

Each day attach to minutes.

DATE March 11, 1987

COMMITTEE ON

Legislative Administration

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppos
Susan Matthews	Custer, Powder River, Garfield	HB 325		X
Audrey R. Johnson	Custer, Powder River	HB 325		X
Judith S. Williams	self - prof. soc. worker	HB 325		X
Bob Dutton	Bratt. Sheriff	HB 325	X	
Mel Mohler	S.F. & Y.S. Study Comm	HB 325	✓	
Barbara B. Skelton	Judith Basin City Comm.	HB 325		X
Ann Cowen	self - prof. sociologist	HB 325		X
CAROL GUANZ	IC / IC	IC		X
BETTY BAY	SELF - SOCIAL WORKER	HB 325		X
Dorey Mueller	Fallen, Carter, Wilbur (T) PSB	HB 325		X
Debra Shultz	MT Association of C. Directors	HB 325		X
Bonnie Le Perry	Parkland Co. Dept Public Works	HB 325		X
Joan Kelich	Committee for Emotionally	HB 325	X	
Gordon Morris	MACC. // altered #			X
Joe Lane	Self - Social Service Supervisor	HB 325		X
Mary Blake	Self	HB 325	X	
Mona Larrison	Prep. Officers Assoc	325	X	
Craig Anderson	Pres - Probation Off	325	X	
Ray White	Galatin Co. Comm	325		X
Gordon Bennett	Pist. Judge Prep	325	X	
Opel McVrat A	MHAM	325	X	
Norman Stittman	SRS L & C Co.	325	X	
Harold McLaughlin	O.H.S. Caschide Co.	325	X	
Bob Frazier		325	X	

(Please leave prepared statement with Secretary)

DATE MARCH 11, 1987

COMMITTEE ON SENATE STATE ADMINISTRATION

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Mike Sika	Butte County Commission	HB 325		X
Allen Supple	self	HB 325		X
Richard Kerstein		HB 325		X
Bill Collins	self	H 325		X
Burton Simpson	self	H 325		X
Nancy Herbert	Hill at Liberty Co	HB 325		X
Thomas Callahan	self	HB 325		X
Ed Jumper	self	H 325		X
John H. H. H.	Poudre R. County	HB 325		X
Donald Herlihy	Poudre R. River County	HB 325		X
Samuel Holman	Dracutwater Co	HB 325		X
Thomas Kent	Panders Co	HB 325		X
John Ellsworth	self	HB 325		X
Ken F. Q.	self	HB 325		X
BEA LUNA	self	HB 325		X
Alvan Butters	self	HB 325		X
Haji Bird	SELF	HB 325		X
Larry Burns	SELF	HB 325		X
Betty Petik	SELF	325		X
Wanda Mellott	SELF	325		X
Karl Ostrander	self	325		X
Dorrie Compton	Blaine Ho.	325		X
Madeline Fitzpatrick	self	325		X
T.T. BROWNLEE	Roosevelt County	325		X
Mike Bernal	Forsyth Mt	325		
Steve Walden	MRCCA	325	X	

(Please leave prepared statement with Secretary)

DATE 3-11-87

COMMITTEE ON

State Administration

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppos
Kate Williams	Senator Williams	HB 325		
David R. M. M. M. M.	Co. Commissioner	HB 325		X
Paul Cory	MYSELF St. Falls	HB 325		X
Dave Starn	SELF " "	"		X
Jean P. Huber	Big Horn Co. Welfare	HB 325		X
GEOFFREY BIRNBAUM	WORKER MONTANA CH LIT. ASSOC.	HB 325	X	
Charles Briggs	State Aging Coordinator	HB 325	X	
Nancy B. B.	S.R.S. Social worker	HB 325		X
John M. M.	Self	HB 325		X
Mildred Lucero	Self	HB 325		X
Ann B. B.	Self	HB 325		X
Ed M. M.	Self	HB 325		X
John C. C.	Self - Foster Parent	HB 325		X
Gene H. H.	Governor	HB 325	X	
Dave J. J.	S.R.S.	HB 325	X	

(Please leave prepared statement with Secretary)

DATE 3-11-87

COMMITTEE ON

Senate State Administration

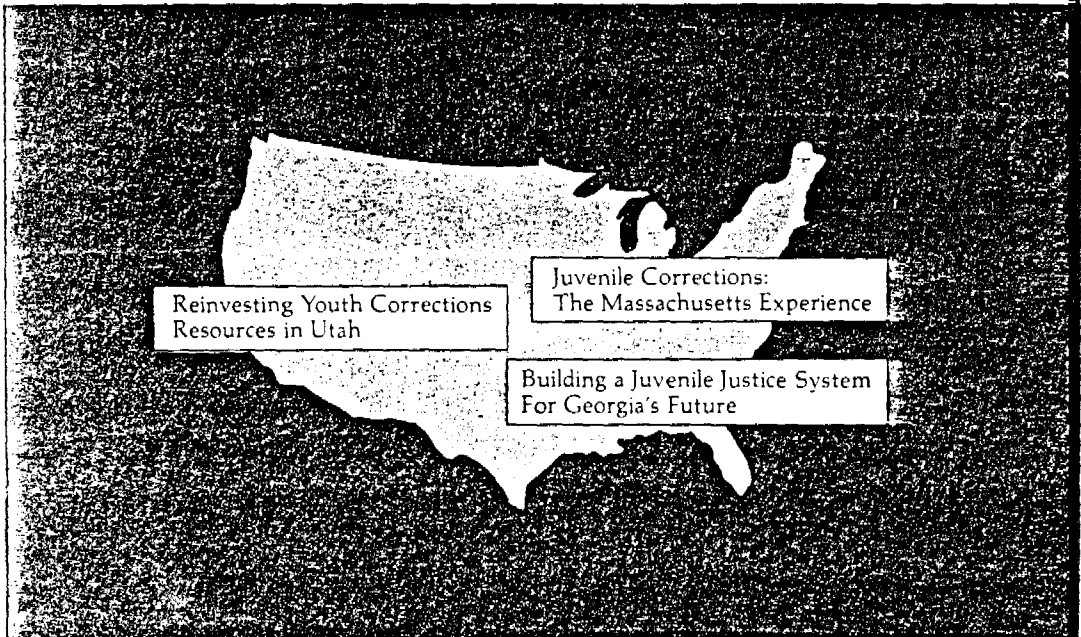
VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
John Ferrell (Conrad)		325		✓
Luc Walker (Valin)		325		✓
Indy Burkhardt (Mason)		325		—
John Burkhardt (Mason)		325		✓
Olga Erickson Chuteau	Commissioner & Welfare Dept	325		X
Barbara Connor	Gallatin Park Co. Youth Center	325	✓	
John Ferrell	Montana Residential Care	325	✓	
John Ferrell	Self	325	X	
Alfred R. St.	Juvenile Prob.	325	✓	
Michael L. St.	"	325	✓	
Barbara Connor	"	325	✓	
Barbara Connor		325		
Barbara Connor	social worker - Big Horn	325		✓
Barbara Connor	325	325	✓	
John Ferrell	325	325	✓	
John Ferrell	"	"	—	

(Please leave prepared statement with Secretary)

Bill 10 HB 525

REINVESTING YOUTH CORRECTIONS RESOURCES: A TALE OF THREE STATES



Reinvesting Youth Corrections
Resources in Utah

Juvenile Corrections:
The Massachusetts Experience

Building a Juvenile Justice System
For Georgia's Future

CENTER FOR THE STUDY OF
Youth Policy

Hubert H. Humphrey Institute of Public Affairs
University of Minnesota

AMENDMENTS TO HB325 (blue copy)

Proposed by Gene Huntington

1. Page 60, line 12
Following: "(3)"
Strike: the remainder of line 12 through line 16
2. Page 60, line 17
Following: "(4)"
Strike: ". "
Insert: ",'"
3. Page 60, lines 19, 20, and 21
Following: "THE"
Strike: "COUNTY SHALL" and all of lines 20 and 21
Insert: "COUNTIES' MATCHING RATE WILL BE REDUCED BY HALF FOR FOSTER PLACEMENTS OVER THEIR FY 1987 FOSTER CARE EXPENDITURE LEVEL."

DATE 3-11-87
BILL NO. HB 325

AMENDMENTS TO HB 325 (blue copy)

Proposed by Gene Huntington

2
7
3-11-87
HB 325

1. Page 16, line 15
Strike: "AND"
Insert: ", "
Following: "EXPENSES"
Insert: ", AND INDIRECT COSTS,"
2. Page 16, line 19
Following: "SALARIES"
Strike: "AND"
Insert: ", "
Following: "TRAVEL"
Insert: "IN DIRECT COSTS"

MISSOULA COUNTY

BOARD OF COUNTY COMMISSIONERS

• Missoula County Courthouse • Missoula, Montana 59802
(406) 721 5700

BCC-87-325
March 10, 1987

FILED
3-11-87
HB 325

The Honorable Jack Haffey, Chairman
Senate State Administration Committee
Montana State Senate
Capitol Station
Helena, MT 59620

Dear Chairman Haffey:

I am writing today to express my support for HB-325. This bill would not cure all of the problems that we at the local or state level are faced with in trying to provide adequate services to Montana's troubled youth. However, it does take a giant step forward to improve and consolidate the delivery of services to our children.

If this bill were passed, the responsibility for troubled youth would be clearly focused into one agency and the authority for providing the needed care would be the responsibility of that department. From a county's perspective, we would have input into the well-being of our youth through local planning boards. We have not officially had that input in the past.

The sources of funding and funding amounts would stay relatively the same as they have been in the past except that any growth in funding would be the state's responsibility. The counties are responsible for the funding of youth probation as it is today.

It is my opinion that this bill would provide state and local governments a mechanism for increasing the accountability of youth services and a better means of evaluating the quality of services for all problem youth.

The bottom line is providing adequate services for the kids without the inherent cracks available for them to fall through which exist in our current system. Caring for Montana's youth is everyone's responsibility. Your approval of this bill would be the first step in making sure our children receive that caring commitment.

Sincerely,



Janet L. Stevens
Missoula County Commissioner

JLS/lm

cc: Committee Members
Missoula Senators

1
15-11-12
HP 325
Mar. 10, 1987

Senator Jack Haffey, Chairman
State Administration Committee
Helena, MT. 59601

Dear Senator Haffey,

I am writing to you to express my support for House Bill 325 (Family Services Agency).

I have worked in Child and Adult Protective Services for over thirteen years and am presently employed as County Director for the Missoula County Office of Human Services.

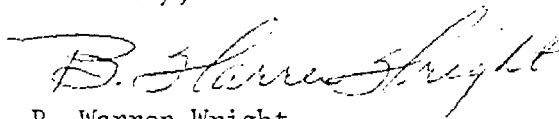
During those thirteen years it has been my desire to call for community involvement in the business of protective services. It has also been my goal to see an integrated approach among agencies for the provision of services to families.

House Bill 325 is a move in the right direction for several reasons. It calls for community input through advisory groups and also combines two separate divisions of agencies that need to work in a combined effort. My belief is that the passage of this bill will require us to move forward in our approach to family problems and put the needs of the family ahead of the convenience of the agency.

Several County Welfare directors are concerned that without their involvement in Protective Services, families and children will suffer. I spoke to Gene Huntington about this issue and he assured me that the purchase of County Welfare Director's time was possible, and they could serve in a protective services capacity when appropriate. I am satisfied that with this option available children, disabled, and the elderly can be protected.

I would appreciate your vote for this bill.

Sincerely,


B. Warren Wright

DEPARTMENT OF
SOCIAL & REHABILITATION SERVICES
LEWIS & CLARK COUNTY OFFICE OF HUMAN SERVICES



TED SCHWINDEN, GOVERNOR

STATE OF MONTANA

(406) 442-2020

HELENA, MONTANA 59601

March 10, 1987

The Honorable Jack Haffey, Chairman
State Administration Committee
State Capitol
Helena, MT. 59601

Dear Senator Haffey,

Opponents of creating a Department of Family Services have some legitimate concerns. No one can dispute that combining one agency with another will create problems and controversy over personnel, policy and discussion of priorities. Service delivery personnel in the field now, in all agencies, are giving good service as is evidenced by the results. That is not to say, however, that all agencies cooperate at all times or agree among themselves on priorities, placements and service to be delivered.

During my thirty-plus years of working in the service field for the State of Montana, needed services have changed drastically. There are different and more serious problems to be dealt with now. Though agencies have changed somewhat and workers are more knowledgeable and sophisticated in their approach to the problems, we are still essentially operating within the same framework of organization as we did thirty years ago. In business, the "Mom and Pop" stores are gone, outmoded, unable to compete. I believe the same principal applies to the organization of service agencies.

The advantages of an integrated Family Service Department far outweigh the transient turmoil that might result in making the change from our present system. One agency can prioritize needs, assume responsibility for overall goals, ensure prevention programs and present a budget to the legislature, rather than each separate entity responding in a piecemeal fashion.

Thank you for your careful consideration of this legislation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Norm Waterman".
Norm Waterman
Director

NW/sb
SEC1/21
cc: Committee Members

The Honorable Jack Haffey, Chairman
State Administration Committee
Montana State Senate

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HB 325

Mr. Chairman and Members of the Committee:

Although I have the title Director of Cascade County Office of Human Services, I wish to acknowledge that the responsibility I have in social services is now and for the past two and a half years has been limited to providing operational support. However, for some 30 years previously, I was directly involved in social service and on the basis of that experience, I can relate personally to the concerns which led to the recommendation for creation of a Department of Family Services for the management and coordination of services to the state's youth, disabled and elderly who are at risk and vulnerable to abuse, neglect and exploitation.

The report of the Council on Reorganization of Youth Services notes "the discovery of emotionally disturbed youth...in the 70's and 80's..." Cascade County made its first placement of an emotionally disturbed youth in an out of state treatment facility in 1974. Improvements in society's ability to diagnose special problems has been dramatic in the intervening 12 years and has led to more demand for the use of residential treatment centers to meet a previously unacknowledged need. In January of this year, SRS paid for 11 children who were placed out of state from Cascade County.

The consequences of physical, sexual and emotional abuse were essentially ignored until recent years when better trained and more professionally qualified workers in our schools, mental health agencies and SRS succeeded in establishing the causal relationship between the abused/neglected youth who later becomes a socially inadequate adult.

The advancement and sophistication of client assessment has resulted in greatly improved treatment plans. Unfortunately, the treatment needed by many of the troubled youth is very expensive and those agencies with responsibility for securing the treatment are all vying for a bigger share of limited funds. The existing fragmented service system does not allow for serving either disturbed youth or vulnerable adults in a manner that assures the most effective use of the state's limited resources.

Workers at the local level, at least in Cascade County have made significant progress over the past five years in coordinating their efforts and improving inter-agency relationships. However, I suspect we are still guilty of some "buck passing" when we encounter a problem case that seems to be the responsibility of another agency.

I find it interesting that private funding sources are also trying to solve the problem of too few dollars and growing need. Several child care agencies in Great Falls depend on private funding to supplement public payments. A Human Services Coordinating Council was formed in 1985. Among the problems identified by the Council after studying the agencies were the fact of some youth falling through the cracks and a lack of continuity in treatment when moving from one agency to another. The Council recommended a consolidation of the several agencies.

In summary, I support the creation of a Department of Family Services in anticipation of; a.) improved services as a result of local planning designed for local needs, b.) the consolidation of authority in a single agency, c.) a commitment to consider the need of all persons at risk followed by allocation of service to those most in need as determined by a central authority.

Harold McLaughlin, County Director
Cascade County Office of Human Services
March 11, 1987

As M.P.C. district chairman
I represent Carter, Fallon, Treasure,
Roosevelt, Carter and Powder River
counties

We feel H.B. 325 is nothing
but a back door approach for the
counties to fund a state bureaucracy;
as this bill now exists local
county fiscal control is removed. We
don't see this as improving services

The current fiscal and program
accountability that we now have
serves our counties very well.

In the 12 counties that are
state assumed the cost has risen
beyond control, we feel this will
happen state wide with the passage
of H.B. 325

Leel Fletcher
Powder River County Commissioner

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3-11-87
HB 325

Because of the fragmentation of Aging Services approximately five years ago in the reorganization of the Department of SRS, we in the "aging business" are extremely defensive when it comes to any hint of "reorganization."

Mr. Huntington, the proposed director of the new department, has repeatedly assured us the State Aging Services will remain the same for "quote, at least one year, unquote." What is one year? Then what? Will we be going through the same battle all over again?

Since Aging Services was not given any consideration in the drafting of this Bill, we feel all of this reorganization has been far too hasty. Conversations with providers of youth services make it apparent that they, too, feel there has not been enough thought, planning and investigation into the ramifications of such an undertaking.

Therefore, we strongly urge this committee to place a "Do Not Pass" stamp on this bill.

This statement has been presented by Norma Keil, a member of the Advisory Council of the North Central Area III Agency on Aging, |

*Committee
Copies*

*16
2-11-87
HB-325*

TESTIMONY ON HB 325

March 11, 1987

Name: Delores M. Shelton
Title: County Director III for Fergus
Petroleum, Musselshell, Golden Valley,
Wheatland and Judith Basin Counties
Address: 308 Bank Electric Building
Lewistown, MT 59457
Phone: 538-7468
Representing: Montana Association of County Directors

Mr. Chairman and members of the committee, I am Delores Shelton and I am President of the Montana Association of County Directors. I am here to represent our organization's stand on HB 325. I have been employed by Social and Rehabilitation Services since 1970 and have been county welfare director for 11 counties. I was also county director in north east Montana from 1971-74 when Social Services was split out into a separate agency under a pilot project.

Our organization is comprised of local administrators, most of whom have devoted their adult lives to the delivery services for youth, families and adults.

Being here today puts County Director and other SRS employees in an untenable position as we are speaking out against our department's position on HB 325. We are here because we feel strongly that the grass roots point

Each of the 56 counties is represented here today as
of view must be represented. ~~Only 4 County Directors were authorized by~~
opposed to this bill. Many more would be here if they had not put the needs of their clients
~~SRS to come. None of the line staff were so authorized. Clients are~~
and concern for their jobs first
served at the local level and this is where changes will occur that will

drastically adversely affect the services to children, families and adults

in rural Montana if HB325 is allowed to pass.

The main areas of concern for us are:

1. Fragmentizing of services: the majority of the clients who will be served by the Family Services Department also receive benefits through economic assistance. These clients will have 2 super agencies to deal with instead of one, increasing delays, run-arounds and hassles.
2. Increase in property taxes due to loss of County Commissioner control: the attempts at "freezing" costs in the bill will not deter the increase caused by loss of local control.
3. Every county and district now has a mechanism for identifying needs of our clients. We feel that the passage of this bill will delay for another two to three years the solutions.
4. We strongly feel that rural Montana will lose services. In the last round of budget cuts 25 home attendant positions were cut and these were almost all in rural Montana where there are already minimal services. As a result of the home attendant cuts it was projected that 71 clients would enter the nursing home within 6 months. This in part has already been felt by increased Medicaid costs.
5. Aging and adult services are included in the new department but are ignored in the development of advisory committees and of planning.

We do have suggestions to control or decrease costs under the current set up. These include:

1. Increased utilization of IVE funding, (federal funds). SRS should make it mandatory that all their foster care placements be reviewed by an eligibility technician for possible IVE eligibility. The current process of Social Worker prescreening is not catching all eligible cases.
2. The Legislature needs to make it mandatory that all other youth placement agencies meet the federal IVE requirements.
3. Parents of the vast majority of children in care are not contributing to the cost of that care. The Legislature needs to make it clear that foster care payments are a debt owed by the parent to the state.
4. Increase Home Attendant staff. This kind of preventive services keeps down placement for both the elderly and disabled in nursing homes and children in foster care.
5. Encourage development of local programs including specially trained foster parents and teams of local professionals to treat sexually abused, emotional disturbed, chemically dependent and other special needs youth. Treatment programs, such as Yellowstone Boys and Girls Ranch cost over \$2000 a month and the period of time to get the child back in the home increases the more traumatic the separation. Such local programs would decrease "treatment" costs and lengths of placements.

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3-11-89

HB 325

- 6.. Insist that local and state representatives of human services departments meet regularly and develop overall plans for human services. HB 325 provides for a youth services council to be appointed and their time paid for. This could be done by agencies as part of their regular duties.

We urge your vote against HB 325. If you have any questions I would be happy to answer these.

Other testimony handed in from:

Diane Altman, County Director
Sweetgrass and Stillwater ~~County~~ Counties

Jim Hays, County Director
Silver Bow County

Eudora Fald, County Director
Dear Lodge County

Note.

Only 3 association members supported the bill. The directors from Missoula, Lewis and Clark and Cascade Counties. All from state assumed counties with high foster care placements. They are not involved in social service.

Don

Addendum to Shelton Testimony

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HB 325

Page 1

I want to talk briefly about the special social services project which I mentioned previously.

One of the things I have learned about humans is that we tend ~~to~~ to not learn from the past and continue to make the same mistakes.

The Glasgow project was dreamed up in Helena without local input. It was forced on the five counties involved with a promise of savings to the counties. The district social worker supervisor objected to the plans and even quit.

During the first year the new agency, now comprised of county social workers and home attendants, floundered as there was no ongoing supervision or director locally, guidance from Helena was sporadic and the goals or focus of the new agency needed to be defined.

In the remaining two years supervision remained a problem. The split between economic assistance and social service was to the point where very little communication occurred. At the end of the project the decision was made not to implement it statewide and the five counties were required to again assume the

responsibility for staff and administration HB325
at a considerable increase in cost.

In my opinion the project failed because there was:

1. No planning other than the idea for a new agency. The mechanics were not thought through.
2. No local input and the counties were forced to accept the state's decision.
3. Because services to clients were fragmented and
4. Because it was more costly to the state to have service and economic assistance separate.

Page 3 Just the administrative cost of funding Mr. Huntington's position and the five regional director's positions would be sufficient to hire back Home Attendant staff. This would have a ripple effect of savings to Medicaid and foster care.

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HB 325

UPDATE ON HB 325, DEPARTMENT OF FAMILY SERVICES LEGISLATION

February 20, 1987

The amended bill was transmitted to the Senate on February 14th. This legislation now proposes the following basic changes to children and youth services:

- 1) The new department consolidates child protective services, youth institutional services, aftercare services, domestic violence, adult protective services, and aging services from both SRS and Institutions.
- 2) The youth court can only place a youth with the department rather than specifying the particular facility (in order for the department to be accountable for the foster care budget).
- 3) Though the probation officers continue to be county employees, all youth court placement decisions will be made by the department through use of an interagency youth placement committee including probation, the department, local schools, and local mental health professionals (probation officers continue supervision of their cases).
- 4) All state funds with federal and county match are in one department creating more flexibility for services and an opportunity for system-wide planning.
- 5) The new department will be decentralized in decision-making, moving financial decisions closer to case decisions.
- 6) There will be local service planning councils to develop local plans for a community-based service system with those plans feeding into a state planning council and state plan (the need for services as seen by the youth placement committees can then be included in the local plans and the state plan for service development).
- 7) The counties contributions for the child and adult protective services will be frozen at the 1987 expenditure level (adjusted for inflation), and the counties match for foster care would be reduced to 25% of the non-federal share over their 1987 expenditure level (adjusted for inflation)--with all future expansion being a burden to the state in exchange for cooperation in the implementation and development of a new, locally focused youth services system.
- 8) In the House State Administration Committee, there was a concern from some of the smaller counties that their 1987 level in a foster care might be high due to one or two expensive placements. An amendment was passed to allow counties with FY 1987 foster care expenditure of less the \$10,000 county dollars to chose either the 1987 expenditure level or an average of 1985, 1986, and 1987 levels, whichever is less.

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HB 326

9) The addition of the youth placement committees was a result of the compromise returning the probation officers to county employee status. This addition actually strengthens the local involvement, creates the desired interagency effort on behalf of youth, and develops the catalyst for local plans for community-based services. Actual service needs will have a direct channel into the local plan and to the state plan for service development. Emergency and temporary placements under 45 days would not be included.

10) To respond to concerns from staff, an amendment was added that confirmed the intent to transfer current employees occupying positions being transferred from Institutions and SRS to the new department. Those transferred are protected from receiving a wage reduction upon transfer.

If you need further updates or have questions or input, please contact Gene Huntington at 444-3111 or Mary Blake at 444-5622.

DATE 3-11-87
BILL NO. HB 325

TO: House State Administration Committee

RE: HB 325

Enclosed is a copy of Stillwater County's letter. Big Timber's letter says the same and they do not support HB-325.

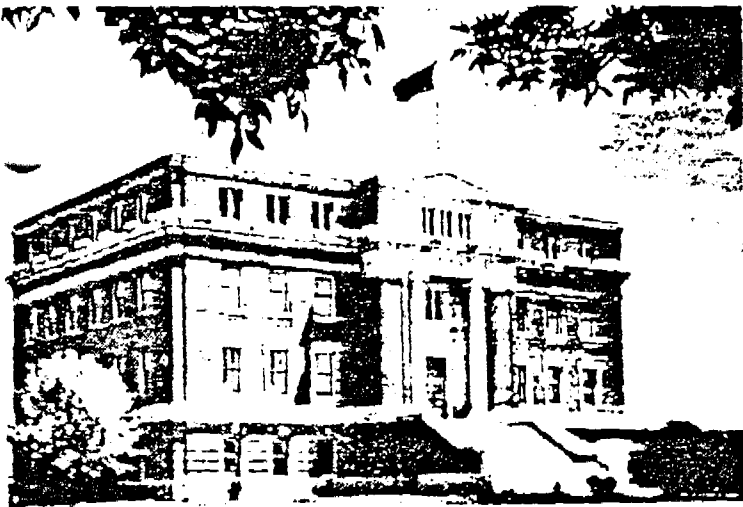
The third paragraph of our letter is of real concern. Will the new agency want the funds that the county budgets for Social Services? Huntington's update - #4 - Does it mean just that all funds go into one pot?

#3 - According to George Shanley, County Director, Dawson County, the Department will not have the final say as his judge is saying no one is going to tell him what to do.

The bill is just another State Assumption - State already has one mess and is asking for another without real planning or foresight.

I feel like I'm leaning while our ship is either going to sink or float - hope.

Diane Altimus
County Director
Sweetgrass & Stillwater Counties



17
3-11-87
HB 325

COUNTY OF STILLWATER
STATE OF MONTANA

COLUMBUS, MONTANA

February 23, 1987

Senator Harry McLane
State Capitol Building
Helena, Montana 59620

RE: HB 325 - Creation of Family
Services Department

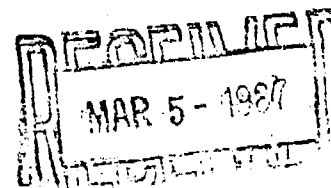
Dear Senator McLane;

We have been advised that HB 325 has now passed the House and that there are a number of amendments to the original bill.

It was our understanding that the primary purpose of this proposal was to consolidate the responsibility and accountability for Youth Services, which included Youth Probation. Now the Probation Officers will no longer be a part of this new agency, if created. Why then propose a new agency if all services to youths and families cannot be uniform.

We think an important issue to remember is that in the rural counties we now levy poor fund dollars based on projected need and if these funds are not expended, we do not lose them at the end of the fiscal year. One of the amendments is to allow for the averaging of foster care costs. If we averaged an amount that was too high or because of children leaving care, the amount budgeted was not spent, are the counties going to get these funds back or will they go to pay other counties foster care. This item alone is, and will be, more costly to the counties and is totally unrealistic.

It is also recommended that current Social Service staff remain in the county offices at no cost to the new agency, and additional support service continue to be provided by the county. It is our feeling that we should not be financially expected to pay for a department that we are not directly responsible for. Also, any equipment must be given to the new agency if the State shared in the purchase cost. In most counties, the State share has been minimal and this transfer would only end up costing counties more dollars to replace the equipment.



Senator McLane
February 23, 1987
Page two

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HB 325

Also, the issue of the County Director has not been addressed. In most rural counties, the County Directors' are providing direct services in emergency situations when social workers are not available and they also provide day-to-day administrative supervision. What happens, when this new agency is created, and emergencies come up, who will handle them? It seems to us this only reduces services to children and families. A portion of the County Director's salary now funded through Community Services would be given to the new agency and it would then create another burden on the counties to pick up this additional cost.

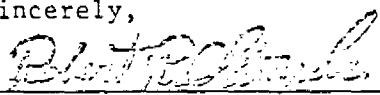
The Administration states this proposal will cost the counties no additional dollars. We feel this new agency will be costly and who will pick up the additional funds - who else but the local counties.

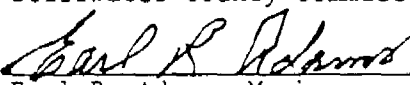
This is not a consolidation of Youth Services if one of the largest groups, Probation and Youth Court, expending funds is allowed to withdraw.

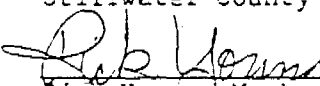
This Bill eliminates county authority and places it with a new State agency. Decisions made at the local level are based on funds available. It is only reasonable to believe that as this agency experiences increased costs, that the county's costs will also increase. We do not feel that this new department will create a better system or provide more services or any better accountability.

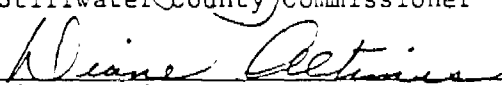
We understand that on February 19, 1987, at the MACo meeting in Helena, it was voted 37-3 against support of HB-325. Therefore, we urge you to vote no on HB-325.

Sincerely,


Robert R. Story, Sr., Chairman
Stillwater County Commissioner


Earl R. Adams, Member
Stillwater County Commissioner


Rick Young, Member
Stillwater County Commissioner


Diane Altimus
County Director II

c.c. Senator Jack Haffey (Chairman)
Senator William Farrell
Senator Les Hirsch
Senator John Anderson
Senator Sam Hofman

Senator Hubert Abrams
Senator J.D. Lynch
Senator Ethel Harding
Senator Eleanor Vaughn

State of Montana
Office of the Governor
Helena, Montana 59620
406-444-3111

TED SCHWINDEN
GOVERNOR

February 6, 1987

21
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HB 325

Chairman
Gallatin County Commissioners
P. O. Box 1905
Bozeman, MT 59715

Dear Chairman:

I would like to update you on the proposed Family Services Department. There are several misconceptions about the new department that also need to be addressed.

Most of the confusion relates to local financing. Probation funding and in-kind contributions are no longer issues since a recent compromise returns probation officers to their current county employee status.

Integral to the proposal are the Governor's Council's recommendations to:

- * make decisions on service delivery and service availability closer to the local level; and
- * continue current funding sources and levels, with all growth being the responsibility of the state.

HB 325 and its amendments would:

- 1) freeze county contributions for protective services salaries, travel and administration at the 1987 expenditure level and
- 2) provide for a reduction from 50% to 25% of the non-federal share of foster care expenditures above the 1987 expended level.

Counties would continue to be billed using current methods. We have also prepared an amendment for Rep. Stratford that would give counties with less than \$15,000 expenditures for foster care, the option of having their portion frozen at the 1987 level or at the average of the last three years. That amendment affects 27 counties.

It was the intent of both the Council and the Governor that county government be offered some financial relief for the youth services system in the future. If that is not acceptable to local officials, we can move to have the caps and reductions removed. Please let me know your preference.

DATE 2-11-87
FILE NO. HB 925

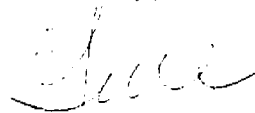
Chairman
Gallatin County Commissioners
February 6, 1987
Page Two

The bill as amended does move the decisions on specific placements of youth court cases to the department and an interagency placement committee. Accountability for funding and services are consolidated. Local control of services is provided through local service planning councils. Administration is decentralized. The beginnings of a true child and youth services system are emerging and will be clearly evident in the very near future.

We cannot let the perceived problems and confusion caused by a lack of information stand between us and creating a locally controlled, accountable system to deal with the growing number of troubled young people in Montana.

I will be glad to further discuss these or other issues with you.

Sincerely,



GENE HUNTINGTON

18
3-11-87
HB 325
SENATE APPROPRIATIONS COMMITTEE MEMBERS

HB #325

I have the following concerns with the implementation of HB-325 authorizing creation of a Family Services Agency. My primary concern is that quality human service delivery systems remain intact. Secondly that these services continue to be provided at a reasonable cost. And thirdly that as a human services manager, our tasks do not become complex, unworkable, and only a perpetuation of bureaucracy for the sake of bureaucrats.

Specifically -

By the creation of two agencies out of one - the State does not duplicate efficient and effective Administrative functions i.e. one more State Fiscal Bureau, one more State Personnel Office, and one more Legal Staff (for these will be additional positions which must be created at the expense of line service positions).

Duplication of local office support staff positions where one position currently carries out duties efficiently for entire County Office of Human Services i.e. Receptionist, Clerk Typist, Word Processing Operator, and Personnel Clerk as well as their Supervisors.

Also that adequate staffing patterns remain within Economic Assistance Programs on the County level where above positions will follow the Agency.

I am also concerned that quality staff at Supervisory and Administrative level in County, District, and State Offices may be lost to New Agency through transition process if input (as well as their job security) is not somehow insured more adequately than current memos.

Personally, I have formed no opinion against the creation of a New Agency. There is room for improvement in the delivery of services. This may be the vehicle to accomplish that. However, I remain concerned over the lack of detail in current transition plan. Once this is passed by the Legislature, the chance for input may not be present. I urge greater planning and sharing of information before an implementation date because then it will be impossible to go back.

James A. [Signature] CONT
B.S.B. O.H.S.

MAR 6 - 1987

SENATE APPROPRIATIONS COMMITTEE MEMBERS

HB #325

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1/Jan. 11/87 CONT
B.S.B. O.H.S.

MAR 11 - 1987

DEPARTMENT OF
SOCIAL & REHABILITATION SERVICES
DEER LODGE COUNTY OFFICE OF HUMAN SERVICES

TED SCHWINDEN, GOVERNOR

19
3-11-87
HB 325
P.O. BOX 1177
307 EAST PARK STREET



STATE OF MONTANA

(406) 563-3448

ANACONDA, MONTANA 59711

March 09, 1987

Honorable Jack Haffey
250 Anderson
Helena, MT 59601

RE: HB 325

Dear Senator Haffey:

I am writing this letter to convey to you my concerns regarding HB 325 which creates a new State Department to handle all matters pertaining to youth.

I whole heartedly endorse the concept of a single agency to serve youth. However, I feel that HB 325 was hastily conceived and does not realistically address the problems incidental to immediate implementation, local control (or lack of control), the cost of implementation and decision making authority relating to placement of youth.

Knowledge of available treatment facilities and the cost of the same and the ability to evaluate treatment plans by professionals in relation to services provided by specified facilities is the essence of social service duties. To relegate this responsibility to a committee composed of representatives of the various agencies who provide such evaluation seems inappropriate. Since this committee is to serve without compensation and will be composed of professionals who are by the very nature of their jobs extremely busy and super involved, the time and commitment required for this kind of decision making will not realistically be available. It would seem more appropriate that this committee review the placement decisions made by the Department along with supporting documentation to justify the recommendation.

It is possible for an individual youth to be in need of care, in need of supervision, delinquent and emotionally disturbed and it is not unusual for two or more of these circumstances to exist. It would seem, therefore, that it would be necessary to establish priorities and to address these multiple problems accordingly. This is a case management function which essentially is the function of the Department.

The goal of Community based services for children and youth whenever possible is an excellent one, but the committee responsible for placement decision or as I have suggested, review of placement decisions, cannot realistically be expected to be involved in the development of community based services. This should be addressed by local county authorities either

Senator Jack Haffey
March 09, 1987
Page 2

19
3-11-87
HB 325

directly or through the appointment of a committee. This could give local governments an opportunity to exercise some control over the cost of placements.

I would hope that this bill might be tabled and a study done on the administrative and financial structure of such a single agency to insure the successful implementation of such a program.

Very truly yours,

ANACONDA DEER LODGE COUNTY
OFFICE OF HUMAN SERVICES

Eudora Fald
County Director II

325/SS/s

cc: Mr. J.D. Lynch
1027 Eleventh Avenue
Helena, MT 59601

(This sheet to be used by those testifying on a bill.)

NAME: Susan Matthews DATE: 3/11/87

ADDRESS: Box 845

PHONE: 232-7800

REPRESENTING WHOM? Custer, Powder River, GARFIELD

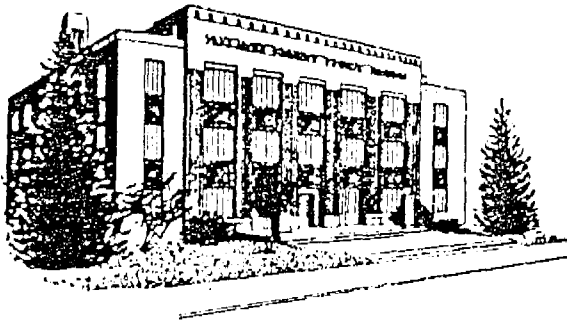
APPEARING ON WHICH PROPOSAL: HB 325

DO YOU: SUPPORT? _____ AMEND? ☒ OPPOSE? ☒

COMMENT: Testimony in in the mail Verbal testimony
was presented.

- 1) Recommend using existing bureaucracy - don't create new state
government.
- 2) put probation back in.
- 3) cap county expenditures

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETAR



31
3-11-87
HB 325
GALLATIN COUNTY WELFARE DEPARTMENT

Room 300 Gallatin County Courthouse
Bozeman, Montana 59715
Phone: (406) 585-1420

March 9, 1987

Montana State Senate Committee of State Administration

Re: Testimony House Bill 325

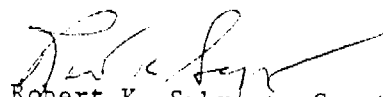
Members of This Committee:

I have read and studied this bill. I have all kinds of problems seeing any advantages. Call this bill what it really is "State Assumption of Social Services". Will setting up a new agency cost less and deliver better services? I think not! It has not been proven by past experience. This new state agency will in my opinion cost more State General Fund Dollars as well as county property tax dollars.

We have in place under present administrative structure a more locally-oriented process. Right now when a child is placed in foster care the County Social Worker Supervisor approves this placement at the front end. If it is a court-ordered placement the judge, probation officer, and county attorney also review at local level. It then goes to a District SRS Supervisor for review then onto SRS Community Services. I can't think of a better way to review and have the checks and balances needed to assure proper placement of children. Also, from an administrative local review the County Commissioners and County Director sign off on the placement with budget authority and responsibility. We have local child abuse teams to help with planning for difficult placements and it is a federal mandate to have Foster Care Review Committees on all children placed in foster care for six months or more. I say to you this is as local as you can get.

We in Gallatin County have no problem with foster care expenditures. As a matter of fact most Counties do not have a problem. Why change the system when maybe the problem is only in a few locations. Don't consume us all because of a few. Give us the option to stay with what has and does work.

Thank you,


Robert K. Sybrant, County Director

RKS/jd

Suggested Amendments
1. Bring Probation back into bill
2. Cap County expenditures (No additional \$
3. Give us an option *later for Foster Care placement*

COUNTY TOTAL FOSTER CARE COSTS
 FYE 1986
 SOURCE: FUNDING MIX SCHEDULES
 SCFILE: FC86
 2/17/87

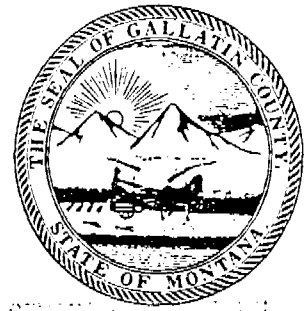
21
 3-11-87
 HB 325

	TOTAL	FEDERAL FUNDS	GENERAL FUNDS	COUNTY FUNDS
1 Beaverhead	39,284	2,075	22,727	14,462
2 Bighorn	43,413	66	31,124	12,224
3 Blaine	60,545	16,758	41,830	21,917 ✓
4 Broadwater	26,896	61	15,315	11,520
5 Carbon	42,820	1,139	28,428	13,204
6 Carter	34,910	23,032	5,954	5,954
7* Cascade ✓	916,534	201,692	714,892	0
8 Chouteau	2,269	55	1,107	1,107
9 Custer	35,411	30,957	40,041	14,413
10 Daniels	3,427	0	3,427	0
11 Dawson	62,870	13,041	28,665	21,164
12* Deer Lodge	119,234	35,369	83,865	0
13 Fallon	5,387	1,282	2,133	1,972
14 Fergus	108,508	6,304	52,574	49,630 ✓
15* Flathead	317,057	44,625	272,432	0 ✓
16 Gallatin	167,858	20,696	66,215	60,946 ✓
17 Garfield	30,643	0	29,432	2,211
18 Glacier	191,919	70,053	93,651	20,015
19 Golden Valley	0	0	0	0
20 Granite	8,919	3,592	2,668	2,668
21 Hill	132,038	9,844	93,901	38,944 ✓
22 Jefferson	13,996	0	11,121	2,875
23 Judith Basin	592	0	296	296
24* Lake	236,518	27,537	208,981	0
25* Lewis & Clark ✓	578,522	29,374	549,148	0
26 Liberty	0	0	0	0
27* Lincoln	173,342	14,771	158,571	0
28 Madison	16,322	0	8,664	7,658
29 McCone	756	502	127	127
30 Meagher	15,872	0	8,373	7,498
31* Mineral	11,233	2,218	8,935	0
32* Missoula ✓	654,635	131,622	523,013	0
33 Musselshell	22,335	7,910	7,213	7,213
34* Park	91,812	4,170	87,642	0
35 Petroleum	1,007	0	504	504
36 Phillips	46,213	5,819	31,914	8,479
37 Pondera	30,968	5,573	17,650	7,744
38 Powder River	12,892	3,391	4,751	4,751
39* Powell	54,604	5,966	48,637	0
40 Prairie	3,322	2,188	567	567
41* Ravalli	172,300	13,038	159,262	0
42 Richland	149,739	42,771	55,636	51,332
43 Roosevelt	62,696	9,280	30,819	22,598
44 Rosebud	137,834	75,452	51,989	10,393
45 Sanders	35,270	2,731	21,342	11,197
46 Sheridan	27,819	1,631	14,290	11,899
47* Silver Bow ✓	141,660	15,350	126,310	0
48 Stillwater	67,319	23,854	24,886	18,579
49 Sweetgrass	7,949	213	3,868	3,868
50 Teton	3,902	290	1,822	1,790
51 Toole	43,849	1,576	26,248	16,025
52 Treasure	896	0	448	448
53 Valley	152,952	30,837	69,561	52,504
54 Wheatland	2,091	0	1,046	1,046
55 Wibaux	4,310	0	2,155	2,155
56 Yellowstone	1,609,066	212,246	790,767	606,053 ✓
	7,004,604	1,159,051	4,696,195	1,149,368
* ASSUMED COUNTIES	3,467,470	525,732	2,941,738	0
NON ASSUMED	3,537,134	633,319	1,754,446	1,149,368

State of Montana

County of Gallatin

Bozeman



February 20, 1987

FILED 21
DATE 3-11-87
BILL NO. HB 325

To all Legislators

We have just returned from our Montana Association of County meeting and would like to make you aware of our position on HB 325. We voted on a resolution which stated "do not support, or support" said bill. Thirty three counties voted "do not support". Three voted "for support".

We ask you for your support AGAINST HB 325.

Sincerely,

GALLATIN COUNTY COMMISSIONERS

Wilbur Visser
Wilbur Visser, Chairman

Jane Jelinski
Jane Jelinski, Member

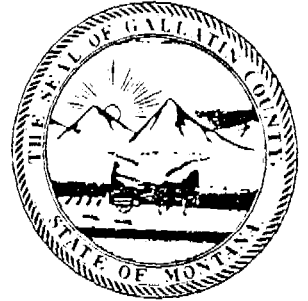
Ramon S. White
Ramon S. White, Member

lm

State of Montana

County of Gallatin

Bozeman



March 5, 1987

21
3-11-87
HB 325

We are writing in regards to House Bill 325 which is scheduled for hearing on March 11th at 10:00 A.M.

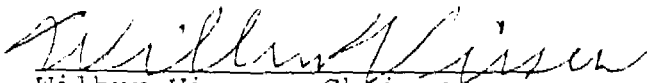
As you can see from the attached correspondance, Custer County, Garfield County and Powder River County all take a dim view of HB 325 for reasons clearly defined within. Those opinions are NOT theirs alone. We can show that it is the unanimous decision of Montana Counties to support the defeat of this bill.

We wish to emphasize our disapproval, and strongly urge you to VOTE AGAINST HB 325.

We also greatly appreciate your time and consideration in this matter.

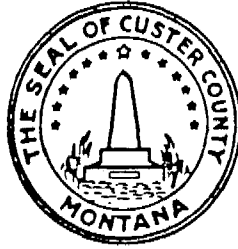
Sincerely,

GALLATIN COUNTY COMMISSION


Wilbur Visser, Chairman

(absent)
Jane Jelinski, Member


Ramon S. White, Member



21
3-11-87
HB 325

County of Custer

Custer County Courthouse
1010 Main
MILES CITY, MONTANA 59301

March 3, 1987

Dear Commissioners,

The attached letter was mailed to all the members of the Senate Administration Committee.

The hearing for House Bill 325 is scheduled for March 11th at 10:00 a.m. We urge you to attend this hearing if at all possible.

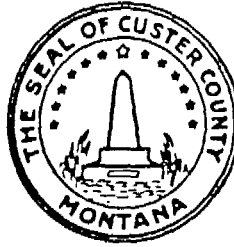
We ask that you support our action by whatever means you deem appropriate. It is imperative that this committee hear your concerns.

Sincerely,

Ted Hirsch, Chairman
Custer County Commissioner

Bruce Bergerson, Member
Custer County Commissioner

Michael O'Shea, Member
Custer County Commissioner



21
3-11-87
46 325

County of Custer

Custer County Courthouse
1010 Main
MILES CITY, MONTANA 59301

March 3, 1987

Dear *Senator*

We are writing to express our concerns relative to House Bill 325 which creates a new department in state government entitled "Family Services Department".

This bill is being heralded as the answer to all of the problems of our youth in Montana. The impetus of this bill was to consolidate the responsibility and authority for all youth services into a single agency. The original motives were good, however, as the bill exists in its current form, services to youth and their families are more fragmented, local county fiscal control and authority is removed, and services to the rural counties will be diminished.

In these days of fiscal austerity, it does not make sense to create a new bureaucracy which will obviously cost the taxpayers more dollars. Although the current proposal states that no new dollars will be required, common sense tells us this is a fallacy. The bill is replete with cost shifting and duplicative administrative functions already being provided by existing agencies.

We have met with Gene Huntington on several occasions to examine the specifics of this bill. We have received no satisfactory answers relative to the actual implementation of this bill. The standard response we have received is that he will meet with each of the counties after the bill is passed to discuss how it will work in each county. We feel a proposal of this magnitude should certainly have received more forethought, community planning and input.

We do not see this bill as improving services to youth and it certainly does not provide the capability to serve more youth. Thus, the question at hand is why create a new department when positive changes can be made to the existing system without the chaos and confusion and uncertainty that is inevitable with this bill.

3-11-83
HB 325

We as Custer Commissioners urge you to vote NO on HB 325.

The current fiscal and program accountability that we have will be removed. This bill is clearly an example of state assumption and the state's record in that area is poor at best. In those counties where state assumption has already occurred, the cost of welfare has risen beyond control. We certainly do not want to see this occur statewide.

The Montana Association of Counties during their mid-winter meeting in Helena, voted 33 - 3 not to support this bill. The Montana Association of County Directors has joined us in voicing their opposition.

We now ask that you join us as well by voting against this bill.

We thank you for your time and hard work during this most difficult session.

Sincerely,

Bruce Bergerson	Custer County Commissioner
Ted Hirsch	Custer County Commissioner
Michael T. O'Shea	Custer County Commissioner

Kenneth Coulter	Garfield County Commissioner
April Milroy	Garfield County Commissioner
Lester Engdahl	Garfield County Commissioner

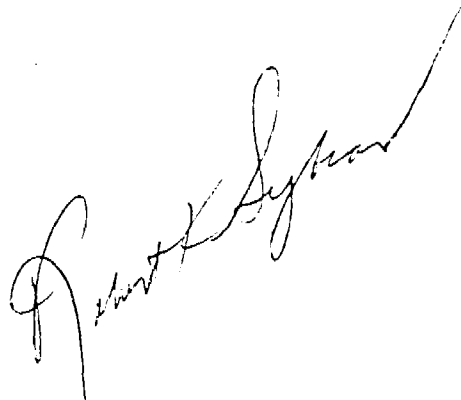
Brooks Study	Powder River County Commissioner
Ted Fletcher	Powder River County Commissioner
Gerald Himelspace	Powder River County Commissioner

cc: Senator Ed Smith
Senator Tveit
Senator Weeding
Senator Aklestad
MACO

21
DATE 3-11-87
FILE NO. HB 325

QUESTIONS CONCERNING HB 325
DEPARTMENT OF FAMILY SERVICES LEGISLATION
February 10, 1987

1. Originally HB 325 was set up at least partially to aid in controlling the Youth Court foster care budget. Since the probation officers have lobbied well and had themselves excluded from the new agency, the question is: what services are being combined and why? Why do we need a new agency?
2. HB 325 proposes that the Youth Court can commit children to the new department for placement. Will not the removal of responsibility for placements increase the numbers of placements made by Youth Courts? Without increase staff how will Family Services speedily process their already existing responsibility for placement of abused children plus adding a new category of serious offenders?
3. One of the major issues in HB 325 is that county level of expenditures will be frozen at 1987 levels, and that counties' participation in foster care will be reduced from 50 to 25%. Increased numbers of placements will increase county expenditures as well as state expenditures. Does not this bill actually dilute local control? This smacks of state assumption.



COUNTY COMMISSIONERS
Robert L. Mullen, Chairman
David R. McMillen, Vice-Chairman
Eugene Iversen, Member

HELEN GIERKE, Clerk

COUNTY OF RICHLAND
OFFICE OF
COUNTY COMMISSIONERS
SIDNEY, MONTANA

FILED 3-11-87
DATE 3-11-87
BILL NO. HB 325

March 11, 1987

Mr. Jack Haffey, Chairman
Senate State Administration

Re: HB325 (Mercer)

Chairman Haffey and members of the committee, for the record I am David McMillen, a Richland County Commissioner, and on behalf of the Richland County taxpayers we are opposed to HB325.

The objective of this legislation, that is, centralizing the authority and responsibility for all youth services in Montana, seems to be well-intended. But, the creation of an entire new level of bureaucracy will not create any savings to address the real problem... the capacity to serve more youth. To restructure youth services for the convenience of those administering the programs seems a limited effect on the problem. The mere fact of assuming future costs should frighten every legislator in the room. Surely costs will continue to increase in the future, look at the state's recent "buy-in" experience associated with the "state-assumed counties". It is very difficult for us to understand how changing the name sign over the door will provide more funds for youth in need. HB325 creates more question than provides answers to the problem.

This legislation will have a negative impact on our ability to analyze needs and fund budgets at local levels. We are not aware that we are not meeting the needs of local youth with the various programs that are now in place in Richland County. If there are, we are committed to funding those needs. It is our responsibility. Decisions regarding budgets and personnel would be done elsewhere under this bill. We prefer the present, even-though limited, partnership situation. Local control is important to us.

Perhaps the most frightening aspect of HB325 is that of uncertainty of the future. We do not trust future legislature's to honor the commitments of their predecessors. Recent examples such as less than full-funding of the Local Government Block Grant Program and potentially

welching on the state-assumed counties welfare programs leave less than desirable reinforcement for placing ourselves at the mercy of some future legislatures. With the revenue problems that all taxing jurisdictions are experiencing, we quite simply do not trust the unknown intentions of future legislature's.

We urge you to vote no to HB325. Thank you.

March 11, 1987

TO: Senator Jack Haffey, Chair, and Senators Hubert Abrams, John Anderson, Vice Chair William Farrell, Ethel Harding, Les Hirsch, Sam Hofman, J.D. Lynch, Tom Rasmussen, and Eleanor Vaughn, members of the *Senate Standing Committee on State Administration*.

FROM: J. Burt Annin, J.D.

RE: Opposition to H. B. 325, Department of Family Services Bill

Mr. Chairman and members of the committee, being represented here today by proxy, my name is Burt Annin. I began working in child welfare law as an attorney for the Department of SRS in 1978. I am currently director of the Southeast Resource Center for Children and Youth Services located at the University of Tennessee, Knoxville. In this capacity I serve as coordinator of SESAC, the South East State Agency Consortia, an organization of child welfare administrators representing eight southeastern states. Previously, as Director of the Region VIII Family Resource Center in Denver, Colorado, I served in the same capacity for the child welfare administrators of the six states which comprise the federally-designated region. In these forums, state child welfare administrators discuss issues of mutual concern and lend problem-solving assistance to each other. HB 325 raises several issues which these forums have discussed. This testimony will share with you concerns raised in other states which have contemplated or undertaken similar measures.

I had the opportunity to moderate an informal, fact-finding forum involving SESAC and the U.S. House of Representatives Ways and Means Subcommittee on Public Assistance and Unemployment. *Public Law 96-272*, the federal law which guides child welfare services, originated in that committee which continually seeks information regarding needs for child welfare reform. During the forum child welfare administrators agreed without exception that improved linkages between youth services and child welfare services, particularly child protective services, is a

32
3/1/81 HB 325

critical issue. Too often, they reported, courts grant custody of extraordinarily disturbed youth to child protection agencies in *ex parte* hearings, that is to say custody is transferred to an agency not present or represented at the proceedings. In an exasperating search for appropriate services, the care of these youth is transferred to the child protection agency as the resource of last resort. If nothing else, it seems to be assumed that IV-E foster care and medicaid eligibility will help. However, as you know, use of federal IV-E dollars is conditional. Whether or not these kids can be qualified for IV-E funded services, the court-ordered custodian, the child welfare agency, must locate services. That's okay. These kids must be served.

But they are not well served when as "hot potatoes" they are tossed from agency to agency. I say "hot" potatoes because when dollars are scarce, agencies try to save their own resources, and these kids are expensive. They are too "hot", too expensive, to handle. Getting some other entity to assume financial responsibility for these troubled youth saves the transferring agency resources in terms of staff time and dollars. This sad-but-true scenario exists in all 14 states with whom I have worked.

It is not hard to sell the idea that the potential custodian of a child or youth should be a participant in a custody proceeding. Prior planning, appropriate referrals and client advocacy require it. But it doesn't happen. I believe that proponents of HB 325 intend that passing the bill will make possible achieving this goal. It takes more than a bill. It takes lots of bills, green ones. We're talking money.

Nationwide the demand for child protective services continues to increase steadily while public funds decrease at the same time. Federal dollars, especially indirect appropriations like resource development dollars and grants, have been reduced to barely twenty percent of the 1980

level. The current financial crisis and economic conditions in Montana do not enable the state to make up the resulting deficits. Now is NOT the time to undertake a massive reorganization. Such reorganizations cost lots of money. Montana doesn't have it. Staff reductions combine with increased need for services to put more demands on agency personnel. Reorganization will take lots of time. Human services staff don't have it.

The child protective service delivery system is already over stressed. Change produces lots of stress both in personnel and clients. Stress is a precipitating factor in abuse and neglect. Now is not the time to change. Experience in other states can provide some insights as to why not.

As part of the subcommittee's fact-finding forum, Patricia Jones from the Alabama Department of Human Services reported that legislation mandating reorganization in Alabama contained no special appropriation to support the effort. As a result entire units ceased to function because they didn't know their function. Staff from one abolished management unit went for two months without assignments or clear job descriptions. Transition planning was insufficient. Clearly, if these mid-level managers didn't know their function, field staff didn't know when or even whether to access them for supervisory and program support. While some administrators knew what those people's jobs should and would be under the new system, their own tasks associated with simultaneous administration and reorganization left them without time to get the message to these state agency staff.

Without money the agency was limited to managing the reorganization by memo rather than by process. No funds were available to support necessary team building, policy workshops, and multi-unit education and coordination meetings. The precious few dollars dedicated to training were needed to build and enhance the knowledge, skills and abilities of

staff providing direct services and intervention.

The reorganization did happen because it had to. It was legislated. The lack of an additional appropriation to fund the transition wound up being costly in worker productivity and morale. As a result the effort is still bogged down for lack of staff "buy-in". Staff are disinclined to cooperate in a reorganization which causes them more problems than it offers solutions. Alabama learned the hard way that administrators' diligence and planning **cannot** compensate for funds to support reorganization.

South Carolina's experience of merging agencies more closely approximates what HB 325 contemplates than does Alabama's experience reorganizing a single agency.

Motivated by the possibility of upgrading standards for the delivery of services to children and families, South Carolina attempted to form a separate children's agency. Ira Barbell, South Carolina's child welfare administrator reported that an in-depth planning process which included extensive input from the field, mid-management and administration of the four agencies involved revealed more problems than solutions.

South Carolina found that the configuration which places economic assistance and child welfare services in a single agency, as SRS, does give single administrative authority over linkages for delivery of concrete services. Attempts to separate the professional services provided by social workers from concrete financial assistance played into the public's misperception of social worker's as professionals whose job it is to "fix" people's dysfunction. What many clients need most immediately are concrete services for food, shelter, and medical assistance if the family is to be stabilized by short-term, minimal intervention. The combination of professional counselling and concrete services is what works best, South Carolina found.

Their experience revealed that creating a separate state department would create a children and family services budget much more vulnerable to cuts than the one within the multi-dimensional agencies in place. An across-the-board budget cut of five per cent would have a greater impact on protective services for victims of abuse and neglect within a specialized agency where cuts are less easily managed to protect the most vulnerable who are more likely to be repeatedly victimized by an agency's reduced capacity to protect. The economies of scale would be lost. And, South Carolina found that creating a new administrative entity would increase administrative costs even though it appeared to be created by transfer of units with in-tact administrative budgets.

South Carolina also found great financial risk in separating the eligibility determination unit (economic assistance in Montana) from the social services unit. Federal administrative requirements, if not met, can cost the state hundreds of thousands of dollars in disallowances. Managing federal dollars for maximum flexibility requires close, concurrent administration of IV-E dollars and IV-A services.

Federal and state law and policy require agencies to provide services to prevent removal of victims of abuse and neglect from their homes. The most severely injured or dysfunctional often require institutionalization. South Carolina found that over-crowding in institutions would continue since relocation to community-based programs is preferred over building more institutional space. While the future dream may be for deinstitutionalization and community-based programs, the present reality is that the institutions exist and demand for placement space continues to grow. Crisis management of these over-crowded institutions would likely drain dollars from the federally-mandated prevention and family-based programs jeopardizing the state's qualifying for full federal funding.

Developing community-based programs, a goal the public sector must pursue, will need the full cooperation of all human services agencies. And, it will need money. Montana doesn't have the money. A merged agency won't achieve that goal without it.

South Carolina also learned that the stresses of change immobilized lots of people. A study conducted by the University of South Carolina revealed that just the report of pending change resulted in an increase in the stress levels of clients and staff with a resulting drop in effectiveness.

Finally, South Carolina learned that money would be needed for training; public relations; client and community outreach; publications and printing; network building; re-codification of the administrative code; revision, reprinting and redistribution of the policies and procedures manual; public hearings; moving; telephone relocation and republication of telephone numbers.

Why should a committee of the Montana State Legislature listen to the voices of experience with a southern accent? In my work in the Southeast and the West I have been amazed by the consistency in the issues facing child welfare administrators. As different as possum tastes from venison and the dogwood looks from the ponderosa pine, my work with the state agency administrators indicates where child welfare is concerned, goals and strategies for kids and families are shared and understood.

Federally-provided dollars supported the development of the current child welfare system. Since the passage of the *Child Abuse and Neglect Prevention and Treatment Act of 1974* the Office of Human Development Services of the Department of Health and Human Services provided money for program development, training, public education, and legislative reform. Those "start-up" dollars are no longer available.

Montana didn't develop its current system alone. It had lots of help.

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HB 325
Maybe technical and financial help is on the horizon as Congress and states grapple with problems HB 325 seeks to address. Knowing the budget crisis you face, if you can't afford to do it right, can you afford to do it wrong?

Under these circumstances I urge you to vote against HB 325.

Thank you for allowing me the opportunity to present by proxy these viewpoints for your consideration.

NAME: Charles Evans DATE: 3/11/87
ADDRESS: 1454 B. Ave. Lincoln Heights 31
PHONE: 216-2893 3-11-87
HB 325
REPRESENTING WHOM? SRS - Child Welfare - MSL Co.
APPEARING ON WHICH PROPOSAL: HB 325
DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENT: Fact - There are internal problems
" " " over extensions in the budget
" " " will always be placements necessary
Formulating a new budgeting will not eliminate
spending a normal bureaucratic issues.
If main focus is consolidation - we
are fixing primary service delivery system - juvenile
probation. Budget will not be in control
due to "local committees" overseeing D.T. placements.
Let's go back to drawing board &
reassign up time & energy input from all
youth serving entities.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Testimony Against HB 325
Mike Kennedy Forsyth, Mt.

Ham Bill 325 is an attempt to address the issues of duplication & fragmentation of services to the children of Mont. Some of this does in fact exist.

However, in its attempt to address the problems of the delinquent or unsupervised youth, it creates a much greater potential for fragmentation & diversion to a much more vulnerable population of the state — the neglected or abused child.

Currently, the state & counties have a network of professionals, & dedicated social workers, spending hundreds of hours beyond the normal work day in taking care of the needs of these children. I feel they have done a commendable job.

The bill, as it stands, opens the possibility & probability of having child protection services from a regional or judicial district. The proposed

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HB 335

of this bill will deny this is an
intent, experience teaches us that
it will be just a matter of time.

Good, ^{however} Social Work services will
be a thing of the past in rural
Montana.

Time that should be spent on
the needs of these children will
be spent accommodating the clients of
Probation & the Courts. This bill
not only relieves the probation dept
of much of their responsibility, ~~but~~ ^{already overworked} trans-
fers them to the social workers.

Ignoring these issues, will indeed
create more fragmentation & continue
deprive the abused & neglected child
of the services of the social worker.

I urge you to recommend a do not
pass to HB 325,

Any existing problem can be add-
ed through the current system.

March 10, 1987

Members of the Administration:

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HB 325

House Bill 325 to combine Human

Services by creating a new department is a goal that definitely cannot be achieved without the involvement of Juvenile Probation. The only thing the present Bill consists of is what and where. The mechanics of who, where, how and why have not been worked out to indicate that enacting this Bill will in any way improve the delivery of services or be financially feasible at a time when the State's economy can ill-afford to take unknown risks.

As a Social Worker for Easter and Powder River Counties there are a number of concerns I have regarding this Bill which are as follows:

- 1) The absolute impossibility of absorbing the responsibility for Youth Court placements when the intentions are to further decrease staff rather than provide adequate manpower to respond effectively to this additional responsibility.

- 2) There is no mention of the existing county Child Protection Teams continuing to play a role and these team members are the eyes and ears of the Social Worker

is highly unlikely any one of these team members would want to continue to respond to the needs of the community without having an "active" role.

3) This Bill allows for no more than two Social Workers to provide Child Protective, Youth Court Placement, and Adult Protective Services as well as becoming involved in Spouse Abuse in three counties which span an area of over 200 miles north to south.

4) Due to present service demands both social workers are frequently providing services out in the community at the same time so removal of the County Directors role will result in no-one being available to accept referrals or respond to emergent child protective service needs a good deal of the time.

5) Ultimately this not only increases the risk of liability for the Social Worker as a professional person, but for the State as well. The liability for even one child's loss of life or limb as a result of inability to respond to a crisis situation on a timely basis could be "astronomical."

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6) The provisions of social services will not only become more fragmented, but in many cases completely "non-existent" due to increasing responsibilities coupled with decreasing staff.

7) I have been a dedicated employee of SRS since 1971 and have personally experienced on-going increases in responsibility without increase in man-power which has had a devastating effect on both the quantity and quality of services provided. Separation of Social Services and Economic Assistance will make achievement of tasks even more cumbersome and highly likely to result in loss of Federal funds for IV-E foster care/placements.

8) The trend of increasing cost coupled with decreasing services provided by each staff person in Economic Assistance as well as Social Services has largely been the result of repeated efforts at the State level to achieve simplification through multiplication and duplication of work requirements.

9) Now we are faced with another Bill that contains no concise information as to how this costly venture is likely to

improve either the quality or quantity of social services provided under the existing system if it is enacted. Quite the opposite, this Bill appears to be a continuation of the trend to decrease the effectiveness of services by increasing Social Worker responsibilities which will again mandate additional funds for either adequate staff or liability suits.

10) It is not a lack of professionalism or County Staff responsibility that contributes to the incline in child placements but rather State level demands forcing line workers to respond to priority cases only instead of being allowed the long lost luxury of being able to prevent placement through quality services implemented on a timely basis. We are at a point where the term "early intervention" has become a term of the past.

11) In essence, buying into this "Bill of Goods" is equally as wise as entering into any other enterprise without having a clear understanding as to the effectiveness and mechanics involved.

12) As Senators of the State of Montana you are responsible for making extremely difficult decisions and conducting

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HB 325

business on behalf of the people of this great state. This important responsibility would seem to require studies and a detailed, clearly defined operational plan before a wise or knowledgable decision could possibly be made.

Respectfully Submitted by:
Audrey R. Johnson, SW II

NAME: M ANN GOWEN

DATE: 03/11/87

ADDRESS: Rt #1 Box 441 St IGNATIUS, MT.

59801

PHONE: 745 3452

REPRESENTING WHOM? self (SWorker)

APPEARING ON WHICH PROPOSAL: HB 325

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENT: Coming to a central location
for services does not mean that we
have any better resources to deal
with our clients. Foster parents are
ill trained. We have no resources
able to adequately address the needs
of the emotionally unstable children. we
have few programs geared to prevention
of the problems of abuse and neglect.
We need to assess the problem but
we don't need a new agency to do so.
I feel that the approach HB 325 proposes
is premature and inadequately
researched

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

- Senator Fernald
There are other approaches to
the foster care budget and services
... a answer is not one.

NAME: Fred Jenneken DATE: 3-11-57

ADDRESS: P.O. Box 118 Big Lake, Minn. 55309

PHONE: (612) 6133 HB 3-25-

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HB 325-

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENTS: Recommend further study of Family Service Agency
to include Line Workers as an active part
of the process

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Judith S. Williams DATE: 3/11/87

ADDRESS: 2820 Wilson, B-3

Miles City, Mt. 59301

PHONE: 232-6478 (home)

REPRESENTING WHOM? self - professional social worker

APPEARING ON WHICH PROPOSAL: H B 325

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENT: This bill appears to be a

solution in search of a

problem. Reasons given for reorgani-

ation are conflicting & do not

recognize the effective part

of the existing situation. I do not

feel that current services can be

maintained under the new plan

without either increased costs or

decreased services. (This refers to service

to both aging, developmentally disabled & youth

further - in my estimation there was not

involvement of line staff or supervisor

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

David Wallace

DATE:

3/11/57

ADDRESS:

Box 93 Ryegate N.H.

PHONE:

568 2503

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DATE 3-11-57

BILL NO. HB 325

REPRESENTING WHOM?

Self

APPEARING ON WHICH PROPOSAL:

HB 325

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

☒

COMMENT:

I am opposed to this bill as a 2 county rural social worker with 11.5 years of experience, for the following reasons:

1. This bill ~~will~~ cannot unify all youth services as amended by definition.
2. I feel that with the current procedure for placement of children, that local needs are better addressed through Franchise Service Committee Child + Adult protection teams and local social workers than by a Regional agency.
3. The problems ~~being~~ with child placement in rural counties appears to me to be withdrawal of funding from an acceptable system at this time while the economy pushes numbers of placements and families toward more stress.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

4. I fear for aged service delivery under this bill because this system is devised as a Youth Agency

March 11, 1987

TO: Senate State Administration Committee
FROM: Kathi Ellison, Social Worker II
RE: Testimony in opposition to H.B. 325

Mr. Chairman, Members of the Committee:

For the record, my name is Kathi Ellison. I am a Social Worker in Park County, but today I am here as a private citizen. For the past ten years I have been employed as a Child Protective Services worker for Social and Rehabilitation Services. My job entails investigating referrals of child abuse and neglect in families and then making determinations of whether abuse or neglect does exist. If it is found to exist, I then assess the level of risk to the child involved.

Where risk is present but not eminent, I work with the family to attempt to alleviate the problems that contribute to abuse and neglect. In those situations where the risk of harm to the child is high, removal and placement into foster care for a period of time is often necessary. Once placement has occurred, the task has only begun.

Our focus becomes one of working with the family to return the child. If return is not feasible, it is possible that parental rights might be terminated and the child placed for adoption.

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While children are in placement, workers must continuously monitor the individuals within their caseload. Monitoring is accomplished through different ways, which may include:

- 1) Foster care review committee meetings. These meetings are required by statute and are held periodically on every child that is in care six months or longer.
- 2) Child protection team meetings. Under statute we have the authority to staff any child protection case about which we may have concerns.
- 3) Periodic custody reviews which are held by the Court as formal hearings.
- 4) Child Study Team meetings. These are meetings held in conjunction with the school system to staff a child's particular educational needs.

In addition to these, we periodically meet with our clients and foster parents. This entire process, especially if a family is in a crisis, can be very time consuming.

The 1985 legislature authorized twenty four new child protection social work positions for the Department of Social and Rehabilitation Services. Due to budgetary restrictions within the department, twelve of these positions were never filled. I believe that the allocation demonstrated that the legislature

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acknowledged the need for more social worker positions. Now, however, we are facing a proposal that I believe will increase the workload of protective service workers while actually reducing the available work force.

Under the proposed Department of Family Services, one of the additional responsibilities will be to make placement determinations of youth court cases. These placement decisions will be made through a committee entitled "Youth Placement Committee". This committee adds yet one more committee to the already existing committees required by statute.

In smaller rural counties with limited office staff, social workers could conceivably end up spending a great deal of time in committee meetings, leaving minimal time available to actually spend with the clients.

I am here today speaking for many of my fellow social workers. This is a complex, demanding , and very serious job that we do.

It is my opinion that this bill only adds more complexities to the manner in which we function and hinders us in the actual amount of time we have to spend directly with the clients. Ultimately, the quality of services that we can provide to families and children would be severely diminished.

For these reasons, and for others provided in other testimonies, I respectfully request that you vote in opposition to H.B. 325.

Thank you!

NAME: Edwin A. Lambrecht DATE: 03-11-87

ADDRESS: P.O. Box 457 Red Lodge, Montana 59068

PHONE: WORK (406) 446-1302 HOME (406) 446-3074 44

REPRESENTING WHOM? Carter County Welfare Department HB 325

APPEARING ON WHICH PROPOSAL: H.B. 325

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENTS: Amend Proposition back into H.B. 325
if you feel a need to Pass this bill. This
alone shows that without probation involvement
then services are fragmented. I fail to see
really what this bill is addressing. It appears
to be a cost budget expenditure to a already
over flowing budget. I strongly oppose
H.B. 325

Edwin A. Lambrecht

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Joe Cahill DATE: 3-1-87

ADDRESS: 2781 Phyllis Cir. W. Billings

PHONE: 656-8756 ⁴⁵
214-50 4500

REPRESENTING WHOM? Billings Dist. Office

APPEARING ON WHICH PROPOSAL: H.B. 325

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENTS: Amend Probation back into
H.B. 325. Have a Pilot Project in
the 12 State-assigned counties for
a year or two to see how it works.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Cheryl A. Price DATE: 3-11-87

ADDRESS: P.O. Box 849 Redwood Mt 59068

PHONE: 406-446-1414 (home) 406-446-1302 (work)

REPRESENTING WHOM? Carbon County DPW STATE OF MONTANA
SECTION 41

APPEARING ON WHICH PROPOSAL: H.B. 325 DATE 3-11-87
FILE NO. HR 325

DO YOU: SUPPORT? AMEND? OPPOSE? ☒

COMMENTS: The following areas that have not
be addressed.

H.B. 325 says it will decentralize and yet
county has local control presently.

There has been no needs assessment to see
what is needed at local level.

There is no research to show new department
is cost saving.

There has been not input from line personnel.
When line personnel have met w/ committee w/
our concerns, we could get no answers to our
specific questions.

Also with probation not included, we are still
looking at fragmentation.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

I am apposed to H.B. 325.

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HB 335

My name is Betty Mueller, As Director
of the local department of Social and
Rehabilitation Services in Fallon, Carson,
and Washoe Counties, I wish to
express the concern of the Boards
of County Commissioners and myself
as to the effect the family services
bill will have on our clients and
County Budget.

The clients in this three County
Combination are presently served by
one social worker. As the local
administrator, I serve as the on
line supervisor of this worker and
provide additional services as needed.
Protective services are mandated
by law and lack of service can
have serious, long range impact.

It does not seem realistic that
an line supervision and adequate
coverage can be provided from
Miles City, which is 80 miles from
Baker, 120 miles from Elko and
130 miles from Washoe. Nor does it
seem realistic that one social
worker can cover these Counties

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HB 325

and be available 24 hours a day
seven days a week, 52 weeks a
year

It appears to us that additional
staff will be needed to maintain
the current level of mandated
protective services.

Historically, rural counties have
experienced a loss of services; i.e.
mental health, alcohol counseling, job
service, social security. Whenever
reorganization has resulted in man-
datory supervision and expansion of
services. It is difficult for us to
understand how this best will provide
more local control than we
already have with local county
departments. Again, historically
reorganization has resulted in loss
of services and additional costs.

Financially, County boards of
County Commissioners and their
County directors are very protective
of their county dollars and as a
result also save the matching
federal and state dollars. When a

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HB 325

set amount is paid to the state
each year that incentive is gone.
Reorganization is expensive.

We are aware that problems
exist in the present system. We
would recommend identification of
these problems by the people
who are aware of the local
and state needs and are knowledgeable
concerning federal and state regulations.

We do not oppose a well
planned, well thought out change
in the structure of social services.
We do not believe HB 325 meets
this requirement. Therefore we urge
you to vote against this bill.

Department of Public Welfare

Box 272

GLASGOW, MONTANA 59230

March 9, 1987

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3-11-87
ALL NO. HB 325

MEMO TO: Senate Administration Committee

FROM: Dain Christianson, County Director II
Valley & Phillips County
Department of Public Welfare

RE: Testimony on House Bill 325

Although there are a number of areas of concern related to House Bill 325, I will limit my testimony to one area -- that is the area of fiscal control of foster care budgets. House Bill 325 will remove the fiscal control of county foster care budget from the counties and place it with a state agency. The effects of this can be foreseen by looking at the results of state assumption of fiscal control of a number of counties' General Assistance Programs!

It is important to note with foster care expenditures, when the counties save money, the State saves money as well.

Currently in non-assumed counties, the county exercises control of its foster care budget in a number of key ways including:

- 1) The County Director must sign to approve initiating foster care payments for any county child entering care.
- 2) The County Director shares in the supervision of Social Workers who make and monitor foster placements.
- 3) The County Director reviews and approves payment each month for the county's share of all foster care charges.
- 4) The County Commissioners review the opening of foster care placement monthly, and hold the County Director responsible for the county foster care budget.

The close association between tax payer elected Commissioners, County Directors responsible for budget expenditures, and Social Workers making foster care placements, has considerable cost controlling influence in non-assumed counties.

Department of Public Welfare

Box 272

GLASGOW, MONTANA 59230

Social Services

Phone: 228-8221 Ext. 47

Economic Assistance
Phone: 228-8221 Ext. 44

Memo
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413325

Costs are controlled by:

- 1) Utilizing the least costly placements which meet a child's need.
- 2) Utilizing federal participation in foster care payments to the greatest extent possible.
- 3) Monitoring expenditures and placements continually and individually for opportunities to reduce costs.

A very effective incentive to control costs exists at the county level which is absent in a State agency. Whatever is saved in the county budget this year is carried over to the same department's budget next year.

This reduces the mill levy the County Director must request for the same purposes next year.

If House Bill 325 passes, these direct controls and effective incentives will be lost, opening the door for soaring State and County foster care expenditures.

Thank you.



March 9, 1987

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HB 325-

To: The Montana State Senate Committee on State Administration

From: Jim Rolando *Jim Rolando*
Missoula, MT.

RE: H.B. 325

I have been a human services planner for thirteen years in the areas of Child and Adult Protective Services, Youth Court and Developmental Disabilities. I believe that the piece of legislation being considered today has been widely touted as a new and innovative idea. I assure you that it is not. It was the "state of the art" in planning human services delivery systems about ten years ago at a time when lavish funding for such ambitious endeavors was available. I agree that "streamlining" of our system is desirable. However, I do not believe that H.B. 325 can be implemented without tremendous funding increases. If it is, it will fail the very families it intends to serve.

I encourage you to listen to the testimony given here today from my colleagues working in the field, and before you pass such a measure, give it and all of it's ramifications far more consideration than it has, I believe, hertofore received.